

GAHC010073272020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB 1204/2020

1: NITAI MANDAL AND ANR.
S/O LT. KHETRAMOHAN MANDAL, VILL. HOWLITARI, P.S. BOKO, DIST.
KAMRUP, ASSAM

2: BHABEN MANDAL @ BHAMBAL MANDAL
S/O BALORAM MANDAL
VILL. NEULDOBA
PS. BOKO
DIST. KAMRUP
ASSA

VERSUS

1: THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

29-05-2020

Heard Shri N Uddin, learned counsel for the petitioners, namely, 1. Sri Nitai Mandal and 2. Sri Bhaben Mandal @ Bhambal Mandal, who have filed this application under Section 438 of the CrPC praying for pre-arrest bail in connection with Boko P.S. Case No. 392/2020 under Sections 420/409 of the IPC.

The learned counsel for the petitioners has submitted that there is absolutely no allegation against the petitioner No.2 and the allegation of shortage is only two kgs of rice.

Shri BB Gogoi, learned Addl. Public Prosecutor, Assam, has produced the Case Diary and has fairly submitted that so far as the petitioner No.2 is concerned, there is no material as such till date. However, the allegation of distributing eighteen kgs of rice instead of twenty kgs of rice is substantiated in the Case Diary.

Be that as it may, taking into account the nature of the allegations, this Court is of the opinion that a case for grant of pre-arrest bail is made out.

It is directed that in the event of arrest of the above named petitioners in connection with the aforementioned case, they shall be released on bail on furnishing bail bond of Rs.10,000/- each with a surety of the like amount subject to the satisfaction of the arresting authority.

The petitioners are directed to appear before the IO on or before 10.06.2020 for recording their statements. In the event of any difficulty because of the present situation, liberty is granted to the petitioner to approach this Court for extension of time.

The petitioners are further directed to render full cooperation with the investigation and not to indulge in any activities detrimental to the investigation of the case.

JUDGE

Comparing Assistant