

GAHC010026992025



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

Case No. : AB/290/2025

SUDHIR KUMAR
S/O RAJENDRA P.D. MAHTO
PRESENTLY RESIDING AT RLY. QTR. NO. 243/D, BG
COLONY,BAMUNIMAIDAN,
GUWAHATI-781021, DIST. KAMRUP(METRO), ASSAM AND PERMANENT
RESIDENT OF MOHAMMADPUR SAKARA
DALSINGHSARAI,SAMASTIPUR
BIHAR-848114

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY, MR. D BORA,MR. N MAHAJAN,MR. P K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 12.02.2025

Heard Mr. B.K. Mahajan, learned counsel for the petitioner and Mr. M.P. Goswami, learned Addl. Public Prosecutor for the

This is an application under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying for pre-arrest bail, apprehending arrest in connection with **Gorchuk** P.S. Case No. 295/2023 under Sections 120B/ 379/ 468/ 409 IPC read with Section 7 of the Essential Commodities Act, 1955.

The learned counsel for the petitioner has submitted that the petitioner is N.F.Railway employee holding the post of Chief Loco Inspector, (Mechanical) informed the higher senior officer about the stealing of KL HSD oil and Diesel/ Petrol etc. However, in the meantime, FIR was lodged by the police in connection with incident.

It is further submitted that some of the railway employees and the owners of the vehicle have been enlarged on pre-arrest bail and subsequently, their pre-arrest bail has been made absolute. The petitioner has received a notice regarding disclosure of his assets and liabilities since his joining in the service within 15 days from the date of receipt of the notice. According to the learned counsel for the petitioner, it is not possible to submit such report of 20 years within such short period. As such, the petitioner is apprehending arrest.

The learned Addl. Public Prosecutor on the other hand has opposed in granting pre-arrest bail to the petitioner by stating that the notice issued to the petitioner is not as per the provision of Section 35(3) of the BNSS, 2023 and prays for calling of the case diary.

Call for the case diary.

Considering the submissions of the learned counsel for the parties, in the interim, till receipt of the case diary, in the event of arrest of the petitioner in connection with the aforesaid case, it is directed that the petitioner named above shall be released on pre-arrest bail on furnishing a bond of Rs. 20,000/-

with a suitable surety of like amount to the satisfaction of the arresting authority subject to the following conditions:-

1. That the petitioner shall appear before the I.O. within 10 days from today.
2. That the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
3. That the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any other police officer, and
4. That the petitioner shall not hamper with the investigation or tamper with the evidence of the case.

List the matter on 21.02.2025 for production of case diary.

JUDGE

Comparing Assistant