

GAHC010020002022



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

**Case No. : AB/366/2022**

INDRESWAR KOTOKY AND 5 ORS  
SON OF LATE JOGENDRA KOTOKY  
R/O AMERIGOG, 10TH MILE, P.O. AMERIGOG, P.S. BASISTHA, GUWAHATI-  
781023, DIST. KAMRUP (M), ASSAM

2: SMTI. BOBI KOTOKY  
W/O SRI INDRESWAR KOTOKY  
R/O AMERIGOG  
10TH MILE  
P.O. AMERIGOG  
P.S. BASISTHA  
GUWAHATI-781023  
DIST. KAMRUP (M)  
ASSAM

3: NITA BORA @ NIVA BORA  
W/O LATE PRAFULLA BORA  
R/O AMERIGOG  
10TH MILE  
P.O. AMERIGOG  
P.S. BASISTHA  
GUWAHATI-781023  
DIST. KAMRUP (M)  
ASSAM

4: SRI SANJEEB BORAH  
SON OF SRI PRAFULLA BORA  
R/O AMERIGOG  
10TH MILE  
P.O. AMERIGOG  
P.S. BASISTHA  
GUWAHATI-781023  
DIST. KAMRUP (M)  
ASSAM

5: MRS. RINKU BORA SAIKIA @ RINKU SAIKIA  
W/O RATUL SAIKIA  
R/O AMERIGOG  
10TH MILE  
P.O. AMERIGOG  
P.S. BASISTHA  
GUWAHATI-781023  
DIST. KAMRUP (M)  
ASSAM

6: RATUL SAIKIA  
S/O LATE KHAGESWAR SAIKIA  
R/O AMERIGOG  
10TH MILE  
P.O. AMERIGOG  
P.S. BASISTHA  
GUWAHATI-781023  
DIST. KAMRUP (M)  
ASSA

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner** : MR. A PARAMANIK

**Advocate for the Respondent** : PP, ASSAM

BEFORE

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**15-06-2023**

Heard Ms. P. Kalita, learned counsel appearing on behalf of Mr. A. Paramanik, learned counsel for the petitioners and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 438 CrPC, the petitioners, namely, **1) Sri**

**Indreswar Kotoky, 2) Smti Bobi Kotoky, 3) Nita Bora @ Niva Bora, 4) Sri Sanjeeb Borah, 5) Mrs. Rinku Bora Saikia @ Rinku Saikia and 6) Ratul Saikia** apprehending their arrest are seeking pre-arrest bail in Basistha P.S. Case No.98/2022 registered under Sections 120(B)/420/464/468/471/ 500 IPC corresponding to G.R. No.676/2022.

Perused the case diary produced before the Court today by Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam.

Mr. Goswami, from the case diary submitted that after obtaining interim pre-arrest bail on 09.02.2022 in said Basistha P.S. Case No.98/2022, the petitioners have appeared before the concerned Investigating Officer of the case and their statements have been recorded.

The interim pre-arrest bail was granted to the petitioners on 09.02.2022 in said Basistha P.S. Case No.98/2022 and from the up-dated case diary, the Court have not found anything adverse against the petitioners regarding their violating the terms and conditions specified in the said order dated 09.02.2022.

Considering the materials in the case diary and the fact that the petitioners after obtaining interim pre arrest bail in said Basistha P.S. Case have already appeared before the concerned I.O. of the case, the Court is of the view that custodial interrogation of the petitioners is not warranted to investigate said Basistha P.S. Case No.98/2022. As such, this pre-arrest bail application of the petitioners is accepted.

The petitioners, namely, **1) Sri Indreswar Kotoky, 2) Smti Bobi Kotoky, 3) Nita Bora @ Niva Bora, 4) Sri Sanjeeb Borah, 5) Mrs. Rinku Bora Saikia @ Rinku Saikia and 6) Ratul Saikia** are already on interim bail in said Basistha P.S. Case No.98/2022 granted to them earlier on 09.02.2022 and the same is hereby made absolute on the terms and conditions that the petitioners shall - **(i)** appear before the Investigating Officer of Basistha P.S. Case No.98/2022, as and when they are required for necessary investigation of said Basistha P.S. Case; **(ii)** not leave the territorial

jurisdiction of the Basistha police station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

With the above observation and directions, this pre-arrest bail application accordingly stands allowed to the extent above.

Return the case diary.

**JUDGE**

**Comparing Assistant**