

GAHC010077512023



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

Case No. : AB/1343/2023

PALASH BORAH
S/O SRI BIMAL BORAH
R/O VILL- ATHABARI, KACHUA
DHALPUR,
P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. J C GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 29.05.2023

Heard Mr. B. Islam, learned counsel appearing for the
petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public
Prosecutor appearing for the State of Assam.

2. This Anticipatory bail petition has been filed by the petitioner, namely, Sri Palash Borah is apprehending arrest in connection with Gauripur Police Station Case No. 164/2023, under Sections 417/376 of IPC (corresponding to G.R. case No. 675/2023).

3. Learned counsel for the petitioner submits that by an FIR dated 21.03.2023 the informant, one, Chandana Ray alleged that the petitioner made a promise to marry her and as a consequence thereof she had entered into a relationship with the accused person and both have been residing together for some time in Guwahati. The informant as well as the petitioner are police constables employed under the Assam Police. It is alleged that subsequently the accused person did not carry out his promise and marry the informant. That apart, it is alleged that the accused person had taken an amount of Rs.5,00,000/- (Rupees five lakhs) only from the informant. It is further alleged that on 18.03.2023 the accused person was got married with another girl, which the informant came to be aware about from the social media.

4. This Court by earlier order dated 12.04.2023 while calling for case dairy had granted interim bail to the petitioner.

5. The case dairy called for has been produced by Mr. B.B. Gogoi, learned Additional Public Prosecutor appears for the State of Assam. The case dairy produced has been carefully perused.

6. Upon perusal of the case diary it is seen that no incriminating materials are seen in so far as the petitioner is concerned, which suggest that grant /continuation of the interim bail ought not to be permitted. No materials are also seen from the case diary which suggest that grant of anticipatory bail to the petitioners as prayed for at this stage of investigation will hamper the investigation carried on. The investigations are still under way and charge-sheet has been not filed on date. No materials are seen from the case diary to suggest that pursuant to grant of interim bail, the petitioner did not abide by the conditions mentioned in the said order or that the continuation of the interim bail granted will be cause any impediment with the investigation that is carried on.

7. Upon due consideration of the materials available before this Court, this Court is of the view that the interim bail granted vide order dated 12.04.2023 can be made absolute. The interim bail granted earlier is therefore made absolute on the same conditions mentioned in the said order.

8. Accordingly, bail petition is allowed and disposed of.

9. Return the case diary.

JUDGE

Comparing Assistant