

GAHC010120272023



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

Case No. : AB/1991/2023

RAJU GOGOI
S/O LATE SOMESWAR GOGOI
R/O DUBIA PATHAR, P.O. AND P.S. GOHPUR,
DIST. BISWANATH, ASSAM- 784178

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

30.08.2023

Heard Mr. J. Kalita, learned counsel for the applicant and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Behali P.S. Case No.82/2023, under

Sections 120(B)/167/176/177/182/217/218/406/192/193/484/487/ 489/34 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Raju Gogoi for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Pradip Phukan on 14.04.2023. The essence of allegation made in the FIR is that on 13.04.2023 one Ultra Bus dash one person, namely, Naba Kumar Phukan near Borgang Cinema Hall on NH-15 at about 7:00 p.m. and thereafter, the vehicle fled away from the place of occurrence and at about 10:30 p.m., the driver of AS-12-AC-2691 (Ultra Bus) surrendered at the Behali Police Station and accordingly, the vehicle was seized. Thereafter, on 20.04.2023 the aforementioned seized bus was replaced by another Bus bearing Registration No.AS-12-AC-4588 and also caused mischief of front glass of the vehicle.

4. Mr. Kalita, learned counsel for the applicant submits that this Court was pleased to extend interim protection to the applicant vide order dated 07.06.2023 and pursuant to the said order, he appeared before the I.O. and he has been extending cooperation with the investigating agency statement is recorded and he has been cooperating with investigating agency and therefore, Mr. Ahmed submits that the interim order dated 07.06.2023, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor has produced the case diary before this Court and opposed the petition on the ground that the I.O. has collected sufficient materials in support of the allegation made in the FIR. However, Mr. Baruah submits that material part of the investigation is almost over.

6. Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Additional P.P.

7. It appears from the case diary that material part of the investigation is almost over. The applicant had appeared before the I.O. pursuant to the order of this Court dated

07.06.2023 and extending cooperation with the investigation agency. Under the aforesaid facts and circumstances, custodial interrogation of the applicant seems to be not warranted here in this case and accordingly, this Court is inclined to make the interim order dated 07.06.2023 absolute, in the same terms and conditions.

8. In terms of above, this anticipatory bail application stands disposed of.
9. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant