

GAHC010125472023



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

Case No. : AB/2040/2023

RABIN MAZUMDER AND 5 ORS
SON OF NANI GOPAL MAZUMDER,
RESIDENT OF PRADIP SANGHA LANE,
SANTIPARA, DIBRUGARH WEST,
POLICE STATION- DIBRUGARH,
DISTRICT- DIBRUGARH, ASSAM.

2: PUJA MAZUMDER
WIFE OF RABIN MAZUMDER
RESIDENT OF PRADIP SANGHA LANE
PRADIP SEWA SAMITY SANTIPARA
PASCHIM CHAWKIDINGEE
DIBRUGARH WEST
POLICE STATION- DIBRUGARH
DISTRICT- DIBRUGARH
ASSAM.

3: PRABIN MAZUMDER
SON OF NANI GOPAL MAZUMDER
RESIDENT OF PRADIP SANGHA LANE
SANTIPARA
DIBRUGARH WEST
POLICE STATION- DIBRUGARH
DISTRICT- DIBRUGARH
ASSAM.

4: LAKHI MAZUMDER
WIFE OF PRABIN MAZUMDER
RESIDENT OF PRADIP SANGHA LANE
SANTIPARA
DIBRUGARH WEST
POLICE STATION- DIBRUGARH
DISTRICT- DIBRUGARH
ASSAM.

5: KISHAN CHOWDHURY
SON OF MUNUA CHOWDHURY
SON OF NANI GOPAL MAZUMDER
RESIDENT OF SHANTI PARA PRADIP SANGHA LANE
DIBRUGARH WEST
POLICE STATION- DIBRUGARH
DISTRICT- DIBRUGARH
ASSAM.

6: JAYANTEE MAZUMDER
SON OF NANI GOPAL MAZUMDER
RESIDENT OF PRADIP SANGHA LANE
SANTIPARA
DIBRUGARH WEST
POLICE STATION- DIBRUGARH
DISTRICT- DIBRUGARH
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

03.08.2023

Heard Mr. A.M. Bora, learned Senior Counsel assisted by Mr. V.A. Chowdhury, learned counsel for the applicants and Mr. B. Sarma, learned Addl. P.P. for the State respondent.

2. Apprehending arrest in connection with Dibrugarh P.S. Case No. 301/2023, under sections 143/147/149/353/333 of the IPC read with sections 14/15 of the Assam Games and Betting Act, this application under Section 438 of

the Code of Criminal Procedure, 1973, is preferred by six applicants, namely, Rabin Mazumder; Puja Mazumder; Prabin Mazumder; Lakhi Mazumder; Kishan Chowdhury; and Jayantee Mazumder for grant of pre-arrest bail.

3. The said case has been registered on the basis of an FIR lodged by one SI Pradip Borah, on 30.05.2023, to the effect that on that day acting on a tip off he has conducted search at Pradip Sangha Club at Santipara, Dibrugarh along with SI Rituraj Das, Bikash Khanikar and fellow staff at about 10.15 pm and recovered 4 numbers mobile handset and Rs. 14,000/- from one Rabin Mazumder and while they were discharging their duties, about 25/30 men and women came there and created ruckus and obstructed them in discharging their duties and also attacked them and in that incident SI Rituraj and UBC/762 Swapnadeep Hatimuria sustained injuries and accused Rabin Mazumder manage to escape from that place by taking advantage of darkness.

4. Mr. A.M. Borah, learned Senior Counsel submits that pursuant to the order of this court dated 09.06.2023, the applicants have appeared before the IO and their statements have been recorded and they have been co-operating with the Investigating Agency and that they are innocent and ready to co-operate with the investigating agency and therefore, it is contended to make the interim order, dated 09.06.2023, absolute in the same terms and conditions.

5. On the other Mr. B. Sarma, learned Addl. P.P. by producing the case diary before this court, submits that the applicants appeared before the IO and their statements are recorded and that the I.O has made sufficient progress in the investigation. To a query of this Court Mr. Sarma submits that custodial interrogation of the applicants are not required in the interest of investigation.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public

Prosecutor.

7. It appears that pursuant to the order dated 09.06.2023, all the applicants appeared before the I.O. and they have cooperating with the investigating agency and their statements have also been recorded. Further, it appears that the I.O. has received substantial progress in the investigation and he has examined several witnesses.

8. In view of above and also in view of material collected so far in the Case Diary, the custodial interrogation of the applicants seems to be unwarranted here in this case, and therefore, this court is inclined to make the interim order dated 09.06.2023 absolute in the same terms and condition.

9. In terms of above this AB stands disposed of.

10. The case diary be returned.

JUDGE

Comparing Assistant