

GAHC010127582023



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

Case No. : AB/2074/2023

MILON JYOTI NATH
S/O- LATE PRATAP NATH,
R/O CHAKARADHRA,
P.O.- FURKATING,
DISTRICT- GOLAGHAT, ASSAM,
PIN- 785621.

VERSUS

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

Advocate for the Petitioner : MR A KHANIKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

12.09.2023

Heard Mr. A. Khanikar, learned counsel for the applicant and also heard Ms. N. Das, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Nagaon P.S. Case No.510/2023, under Sections 120(B)/406/420 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Milon Jyoti Nath 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 nine informants, namely, Partha Pratim Borah, Ashok Das, Jintu Mazumdar, Nayanmoni Borah, Trisha Gogoi, Shri Kaunjyoti Borah, Anamika Boruah, Siva Phukan and Pranab Gohain Borah on 01.06.2023. The essence of allegation made in the FIR dated 01.06.2023 is that one Smt. Juli Bora Nath has collected different amounts of money from the informants with a view to provide them job in different departments of the Government of Assam and on 01.06.2023 she was caught red handed while she was collecting money from one Chinu Mazumdar.

4. Mr. Khanikar, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant after perusing the case diary vide order dated 22.06.2023, and that the allegation is basically against Juli Bora Nath and not against the present applicant and that pursuant to the order dated 22.06.2023, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and therefore, a contention is being made to make the interim order dated 22.06.2023, absolute, in the same terms and conditions.

5. On the other hand, Ms. N. Das, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the applicant had appeared before the I.O. and he has been cooperating with the investigating agency.

6. Having heard the submission 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 Ms. Das, learned Additional P.P.

7. It appears from the case diary that the applicant has been cooperating with the investigating agency and that the I.O. has achieved substantial progress in the investigation and he has examined the witnesses and collected relevant documents and as such custodial interrogation of the applicant, in the interest of investigation, seems to be not warranted here in this case, and accordingly, this Court is inclined to make the

interim order dated 22.06.2023, 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