

GAHC010149562023



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

Case No. : AB/2367/2023

JONATHON TERANG
S/O- SRI. TENDON TERANG, R/O- RUKASEN, DIPHU- 782460, DISTRICT-
KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY P.P. ASSAM

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

21.08.2023

Heard Mr. S. Borthakur, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Dokmoka P.S. Case No.29/2023 registered under Sections 494/495/417/313 IPC, this application under Section 438 Cr.P.C. is

preferred by the applicant Jonathon Terang for grant of pre-arrest bail.

3. It is to be noted here that Dokmoka P.S. Case No.29/2023 under Sections 494/495/417/313 IPC has been registered on the basis of one FIR lodged by one Smt. X (name withheld) on 03.06.2023. The allegation levelled against the applicant in the said FIR is that on 28.04.2022 the applicant developed love relation with her and he used to visit her house and also used to stay there and lived with her as husband and wife and they have also entered into an agreement to that effect on 10.04.2023 at Hojai and as a result of her cohabitation with the applicant, she became pregnant and she was forced to abort her pregnancy on 04.07.2022, 16.08.2022 and 10.04.2022 at Hojai Hospital, and later on, she came to know that the applicant is a married person and he has wife and three children.

4. Mr. Borthakur, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant vide order dated 04.07.2023, and pursuant to said order, he has appeared before the I.O. and his statement is recorded and he has been cooperating with the investigating agency and that the applicant is innocent and the allegations are false and therefore, it is contended to make the interim order dated 04.07.2023 absolute in the same terms and conditions.

5. Referring to one legal notice annexed with the petition as Annexure-C, Mr. Borthakur submits that the informant has the habit of making false allegation and she has made similar allegation against another person and upon the said allegation a police case was registered and subsequently, after investigation police submitted final report.

6. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the investigation has almost been completed and the applicant had appeared before the I.O. and his statement is also recorded and he has been cooperating with the investigating agency.

7. 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 Mr. Sarma, learned Additional P.P.

8. In view of the materials collected in the case diary as well as the stage of

investigation and also in view of the cooperation, being extended by the applicant to the investigating agency, his custodial interrogation seems to be not warranted here in this case and accordingly, this Court is inclined to make the interim order dated 04.07.2023, absolute in the same terms and conditions.

9. In terms of above, this anticipatory bail application stands disposed of.
10. CD be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant