

GAHC010149882023



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

Case No. : AB/2386/2023

RITUPON GOGOI @ RITUPARNA GOGOI
SON OF KESHAB GOGOI,
RESIDENT OF DULIAJAN, BAMHUKUTA
NEAR CISF COLONY, P.O.- DULIAJAN,
P.S.- DULIAJAN, DISTRICT- DIBRUGARH,
ASSAM- 786602.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

03.08.2023

Heard Mr. P.J. Saikia, learned Senior counsel assisted by Mr. R.S. Mishra, learned counsel for the applicant. Also heard Ms. S.H. Bora, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Duliajan P.S. Case No.139/2023 registered under Sections 498(A)/326/354 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Shri Ritupon Gogoi @ Rituparna Gogoi for grant of pre-arrest bail.

3. The above noted case has been registered on the basis of one FIR lodged by one Mrs. Madhu Gogoi on 12.06.2023. The essence of allegation made in the FIR is that her son Ritupon Gogoi got married with Smt. Simpee Chetia and they are blessed with a baby son who is now 15 months old and during the subsistence of his marriage with Smt. Simpee Chetia, her son maintained affairs with one Smt. Priya Baruah, resident of Tingkhong and he has been causing disturbance and subjecting Smt. Simpee Chetia to both mentally and physically and on the night of 7th April, under the influence of liquor he had tortured Simpee and caused injuries on her person and also tried to kill her by pressing her neck.

4. Mr. Saikia, learned Senior counsel for the applicant submits that this Court was pleased to extend the interim protection to the applicant vide order dated 11.07.2023, and pursuant to the said order, the applicant has appeared before the I.O. and he has been cooperating with the investigating agency and that the allegation levelled in the FIR are false and fabricated and none of these Sections under which the case has been registered, is attracted herein this case and that he is ready to cooperate with the investigating agency and that he is also an employee of Oil India Limited, Duliajan and as such, there is no scope for jumping bail and therefore, it is contended to allow this petition.

5. On the other hand, Ms. Bora, learned Additional Public Prosecutor, Assam, has produced the case diary and submits that as per injury report, the injury sustained by Smt. Simpee Chetia is simple in nature and that the applicant has already got married with one Priya Baruah and living with her and in view of the order of this Court dated 11.07.2023, the applicant has already appeared before the I.O. and his statement is recorded.

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 produced before this court with the assistance of Ms. S.H. Bora, learned Addl.P.P., Assam.

7. It appears from the injury report of Smt. Simpee Chetia, Madhu Gogoi and Keshab Gogoi that the injuries sustained by them are simple in nature and caused by blunt object. Further, it appears that in view of the order dated 11.07.2023 the applicant has appeared before the I.O. and his statement has already been recorded and he has been extending cooperation with the investigating agency. Further, it appears that the I.O. has achieved substantial progress in the investigation and examined several witnesses. And in view of the materials collected so far in the case diary and also in view of the cooperation being extended to the investigating agency, custodial interrogation of the applicant seems to be not warranted in this case and therefore, this Court is inclined to make the interim order dated 11.07.2023 absolute with the same terms and conditions.

8. In terms of above, this bail application stands disposed of.

9. Case diary be sent back.

Sd/- Robin Phukan
JUDGE

Comparing Assistant