

GAHC010151332023



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

Case No. : AB/2416/2023

JUGAL CHANDRA POLENG
S/O SHANTIRAM POLENG
R/O NO. 3 MEDAK
GAON, NO. 1 MEDAK
DIST. LAKHIMPUR, ASSAM
PIN-787053

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR J PAYENG

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER

Date : 01.09.2023

Heard Mr. J. Payeng, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Ghilamora P.S. Case No. 36/2023, under Section 376 of the Indian Penal Code (GR No. 114/2023).

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Payeng, that false and concocted allegation is brought against the present petitioner. It is a fact that there was a good relationship between the victim and the accused/petitioner being the neighbours and there may be some consensual relationship between them, but only to make herself blame free from her husband and in-laws, the present F.I.R. has been lodged by the victim/informant. Further, the accused is ready and willing to co-operate with the I.O. in the investigation of this case if he is granted with the privilege of pre-

arrest bail.

In this context, the learned Additional Public Prosecutor, Mr. Baruah, has submitted that the statement of the informant recorded under Section 164 Cr.P.C. implicated the present accused/petitioner and it is also seen from the Case Diary that she reported about the incident before some neighbours who also accordingly stated before the I.O. that they have heard about the incident from the informant.

After considering the submissions of learned counsels of both sides and also considering the materials available in the Case Diary, I find that custodial interrogation of the present accused/petitioner is not necessary in this case and therefore, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner.

Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Jugal Chandra Poleng, in connection with Ghilamora P.S. Case No. 36/2023, under Section 376 of the Indian Penal Code (GR No. 114/2023), he shall be enlarged on pre-arrest bail on his executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioner shall appear before the Investigating Officer of

the case within a period of 1 (one) week from today to enable recording of his statement;

- (ii) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case; and
- (iii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The anticipatory bail application stands disposed of in terms above.

The Case Diary be sent back.

JUDGE

Comparing Assistant