

GAHC010157522023



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

Case No. : AB/2516/2023

RATUL CHARAN SARMA
S/O SRI SURENDRA MOHAN SARMA
R/O VILL- HAZARIKAPARA
P.O. AND P.S. SIPAJHAR
DIST. DARRANG, ASSAM
PIN-784145

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R N D SARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

22.08.2023

Heard Mr. R.N.D. Sarma, learned counsel for the applicant and Mr. B. Sarma, learned Addl. P.P. for the State respondent.

2. Apprehending arrest in connection with Chandmari PS Case No. 44/2023, under Sections 493/420 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by accused/applicant,

namely, Ratul Charan Sarma for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by one Nitumoni Singha, on 07.02.2023, to the effect that the accused Ratul Charan Sarma maintained relation with her since 2021 and alluring to marry her he had established physical relation with her and on 27.01.2023, while she was absent in her house, the accused entered into her house and took away a sum of Rs. 2,00,000/- along with one mobile phone and since then he has been missing.

4. Mr. R.N.D. Sarma, learned counsel for the applicant submits that pursuant to the order of this court dated 25.07.2023, the applicant appeared before the IO and his statement has already been recorded and he has been co-operating with the Investigating Agency and therefore, it is contended to make the interim order, dated 25.07.2023, absolute in the same terms and conditions.

5. On the other Mr. B. Sarma, learned Addl. P.P. has produced the case diary before this court and by referring to the statement of the victim woman, recorded under Section 161 of the Cr.P.C., Mr. Sarma submits that she has implicated the applicant with the offence alleged in the FIR. However, to a pointed query of this Court Mr. Sarma submits that further custodial interrogation of the applicant seems to be unwarranted, as he has been cooperating with the Investigating Agency.

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 the material part of investigation is almost over. Having regards to the submission of learned counsel for both the parties and also considering the fact that the material part of investigation is over and also

considering the fact that the applicant has been cooperating with the investigation agency his custodial interrogation seems to be unwarranted here in this case, and therefore, this court is inclined to make the interim order dated 25.07.2023, absolute in the same terms and condition.

- 8.** In terms of above this AB stands disposed of.
- 9.** The case diary be returned.

JUDGE

Comparing Assistant