

GAHC010174822023



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

: AB/2693/2023

KANAK GOGOI
S/O SRI PREMADHAN GOGOI
VILL-NAGAON BORDOLONI
P.S.-GOGAMUKH
DIST-DHEMAJI
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. S Y AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 21-08-2023

Heard Mr. S. Y. Ahmed, learned counsel for the applicant and also heard Mr. R. R. Kaushik, learned Addl. P.P. for the State respondent.
Apprehending arrest in connection with Gogamukh P.S. Case No. 38/2023 under

Sections 302/34 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Sri Kanak Gogoi for grant of pre-arrest bail.

It is to be noted herein that Gogamukh P.S. Case No.38/2023,u/s 302/34 IPC corresponding to G. R.No. 151/2023, has been registered on the basis of one FIR lodged by Smt Pinki Gogoi on 6.3.2023, wherein it is alleged that one Abhijit Gogoi, Kanak Gogoi and Sri Bhaben Duwara and some other unknown persons with whom her father Lambit Gogoi was working as helper at Indian Oil Depot, Dhakuakhana Road are suspected to be involved in the murder of her father Lambit Gogoi on the intervening night of 28.02.2023.

Mr Ahmed learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigating Agency. Therefore it is contended to allow the petition.

On the other hand, Mr.Kaushik, learned Addl. P.P.has produced the case diary before this Court and fairly submits that the material collected so far in the case diary are quite inadequate to show the complicity of the applicant with the offence alleged in the FIR.

Having heard the submission of learned Advocates of both sides, I have carefully perused the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Kaushik, learned Addl. P.P. It appears that though the name of the applicant mentioned in the FIR in Gogamukh P.S. Case No. 38/2023 under Sections 302/34 IPC, yet the materials collected so far during the investigation are quite inadequate to show the complicity of the applicant with the offence alleging in the FIR. His custodial interrogation seems to be unaccepted in the interest of investigation. Therefore, this court is inclined to allow this petition.

It is provided that in the event of arrest of the applicant, in connection with Gogamukh P.S. Case No. 38/2023, under Sections 302/34 IPC, he shall be released on pre-arrest bail on his executing a bond of Rs.50,000/ with one surety of like amount to the satisfaction of the arresting authority.

The above privilege is, however, subject to the following conditions:

1. That the applicants shall make himself available for interrogation by the Investigating Officer as and when required;
2. That the applicant 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; and
3. That the applicants shall not leave the jurisdiction of the learned CJM, Dhemaji.

In terms of the above this A.B stands disposed of .

Case diary be returned.

JUDGE

Comparing Assistant