

GAHC010208912023



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

Case No. : AB/3182/2023

MRINMOY DAS
S/O- LATE MUKUL DAS ,
R/O- RAJANIPUR, H NO- 970, WARD NO-8, ABHAYAPURI TOWN,
P.O- AND P.S- ABHAYAPURI ,
DIST- BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. DITUL DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 20.11.2023

Heard Mr. D. Das, learned counsel for the petitioner. also heard Mr. R.J. Baruah, learned Additional Public Prosecutor as well as Mr. G. Chamuah and Mr. A. Ahmed, learned counsel for the informant.

The learned counsel for the petitioner has submitted that the petitioner who was having a love relationship with the first informant for about seven years has been wrongly implicated in the FIR lodged by the victim. It is further submitted by the learned counsel for the petitioner that by an order dated 15.09.2023 the petitioner was allowed to go on interim

anticipatory bail by this Court with certain conditions and in pursuant to the direction of this Court, the petitioner has appeared before the Investigating Officer of Abhayapuri P.S. Case No.361/2023 and has cooperated in the investigation. On the other hand, learned Additional Public Prosecutor has produced the case diary of the Abhayapuri P.S. Case No.361/2023 which was called for in connection with this case and has submitted that the petitioner has appeared before the Investigating Officer and his statement has also been recorded by the Investigating Officer.

Mr. G. Chamuah, learned counsel for the informant on the other hand has vehemently oppose the making of the interim anticipatory bail absolute at this stage on the ground that the allegation levelled against the petitioner is serious in nature. The petitioner has also been regularly threatening the informant/victim to withdraw the FIR. It is further submitted by the learned counsel for the informant that on 02.09.2023 the family members of the petitioner have threatened the informant to withdraw the case against the present petitioner.

I have considered the submission made by the learned counsel for both sides and have perused the materials in the case diary including the statement of the victim as well as medical reports annexed therein. It appears from the record that though the learned counsel for the informant has alleged that the petitioner has been regularly threatening the victim to withdraw the FIR, however no specific dates has been mentioned in the written objection on which date such threatening has been made by the petitioner. The specific date mentioned in the objection petition is 2nd September on which the allegation is not against the petitioner but against his family member.

It also appears that the petitioner has appeared before the Investigating Officer and has cooperated in the investigation. There may be truth in the allegation levelled against the present petitioner by the informant. However, considering the fact that the petitioner has been cooperating in the investigation since he was allowed to go on interim anticipatory bail, his custodial detention for the sake of completion of investigation does not appear to be necessary.

Thus interim anticipatory bail granted to the present petitioner by the order dated 15.09.2023 is hereby made absolute with the condition Nos. 2 and 3 attached to the said order remain in tagged as well as the following added conditions are added thereto:

The petitioner shall appear before the Investigating Officer of Abhayapuri P.S. Case No.361/2023 every week for the next four weeks or till the investigation is over, whichever is earlier and shall cooperate in the investigation and he shall not in any manner make any inducement thereto or promise to the victim girl or to any other person/witness may be acquainted with the fact of the case so as to dissuade such person/persons from disclosing such facts before the Investigating Officer.

With the above observation, this anticipatory bail application is disposed of.

Send back the case diary.

JUDGE

Comparing Assistant