

GAHC040000272024



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

Case No. : AB/8/2024

Atul Gogoi
Son of Suren Gogoi, permanent and present resident of Naptiya Ahom village, PO
Chapakhowa, Tinsukia District, Assam

VERSUS

The State of AP
represented by the PP, AP

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 08.02.2024

Heard Mr. J. Jini, learned counsel for the petitioner. Also heard
Ms. L. Hage, learned Additional Public Prosecutor for the State of
Arunachal Pradesh.

This is an application made under **Section 438 Cr.P.C.**, seeking pre-arrest bail by the petitioner, namely, **Atul Gogoi**, apprehending arrest in connection with **Namsai P.S. Case No. 79/2023**, registered under Section **379/34 IPC**.

Mr. Jini, learned counsel for the petitioner submits that the petitioner has appeared before the Investigating Police Officer as per direction of this Court and his statement has already been recorded after he was granted interim protection. He has not misused the liberty granted to him; rather, he co-operates with the investigation of the case. Therefore, the privilege of pre-arrest bail granted to the petitioner may be made absolute.

Ms. Hage, learned Additional Public Prosecutor for the State submits that the petitioner may appear before the investigating officer as and when called for till the investigation is completed. As the statement of petitioner has already been recorded by the investigating officer and as such, his custodial interrogation may not be required.

I have considered the submission made by the learned counsel for the parties and also perused the case diary. It appears that the petitioner has not misused the liberty granted to him while availing interim protection. It is directed to the petitioner to appear before the investigating officer as and when called for till the investigation is completed. Considering all, this Court is of the view that the petitioner deserves to be granted the privilege of pre-arrest bail.

That being so, the petitioner is granted the privilege of pre-arrest bail.

Accordingly, the interim protection granted to the petitioner vide

order dated 10.01.2024, is made absolute on the same terms and conditions, as reflected.

The petition stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant