

GAHC010004472024



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

Case No. : AB/66/2024

TUTUMONI GOGOI @ TUTU GOGOI AND 2 ORS
S/O SRI PRADIP CHANDRA GOGOI, R/O VILL- NO. 2 SALAGARI GAON, P.S.-
SIVSAGAR, DIST-SIVASAGAR (ASSAM)

2: SATYAJIT SAIKIA @ TAPAN SAIKIA
S/O SRI SABHARAM SAIKIA
R/O VILL- NO. 2 SALAGARI GAON
P.S.-SIVSAGAR
DIST-SIVASAGAR (ASSAM)

3: BISWAJIT SAIKIA
S/O SRI SABHARAM SAIKIA
R/O VILL- NO. 2 SALAGARI GAON
P.S.-SIVSAGAR
DIST-SIVASAGAR (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D BARUAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

29.01.2024

Heard Mr. D. Baruah, learned counsel for the petitioner. Also heard Mr P.P. Parashar, learned Addl. P.P, Assam for the State.

This is an application under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in respect of the petitioners, namely, (i) Tutumoni Gogoi @ Tutu Gogoi, (ii) Satyajit Saikia @ Tapan Saikia and (iii) Biswajit Saikia, who are apprehending arrest in connection with Sivasagar Police Station Case No. 192/2023 dated 18.12.2023 registered under Section 392 of IPC.

The brief facts of the prosecution is that the accused petitioners have stopped the informant and his four friends while they were carrying 18 nos. of cattle purchased from the market and demanded Rs. 15000/- (Rupees Fifteen Thousand) and also compelled the informant and his friends to kneel down and thereafter snatch away Rs. 3000/- from the pocket of one Jiaul Ali. Accordingly, a case was registered.

The Case Diary called for is placed before this Court.

I have heard the submissions made at the bar and have also perused the materials available on record.

It appears from the Case Diary that the accused petitioners have already

appeared before the Investigating Officer and has got their statement recorded under Section 161 Cr.P.C.

The investigation appears to have progressed substantially. Considering the nature of allegation *vis-a-vis* Article 21 of the Constitution of India, this Court is inclined to grant anticipatory bail to the petitioner.

Accordingly, it is provided that in the event of arrest, the petitioners named above shall be released on pre-arrest bail in connection with the above noted case on furnishing a bond of Rs. 15000/- each with one surety of like amount with the satisfaction of the arresting authority subject to the following conditions.

(i) That the petitioner shall cooperate with the investigation as and when required.

(ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to the any Police Officer;

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant