

GAHC010007892024



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

Case No. : AB/145/2024

TRILOCHAN BORAH
S/O RUPESWAR BORAH
R/O AMGURI TOWN, W. NO. 9, P.O. AND PS. AMGURI
DIST. SIVASAGAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

02.02.2024

Heard Mr. S. Borthakur, learned counsel appearing for the petitioner.

Also heard Ms. N. Das, learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973 for seeking pre-arrest bail to the accused/petitioner, namely, **Trilochan Borah**, who is apprehending arrest in connection with **Amguri P.S. Case No. 01/2024** under Sections **379/409** of the Indian Penal Code, 1860.

3. The allegation made in the FIR is that on 04.01.2022, one Diganta Saikia, President, Amguri Nirman Committee had lodged a Fir before the Officer-in-Charge of Amguri Police Station, inter-alia, alleging that the petitioner who is a Professor at Amguri College of Sivasagar is alleged to have been cutting down the "Sasi trees" which are grown in the college campus and he has accumulated lot of property by selling the valuable Sasi trees of the college.

4. The case diary as called for is placed before this Court. It may be mentioned that vide order dated 19.01.2024, this Court granted the privilege of interim pre-arrest bail to the petitioner subject to conditions.

5. Ms. N. Das, learned Addl. P.P. submits that the case diary shows that the petitioner has appeared before the Investigating Officer and got his statement recorded under Section 161 Cr.P.C, as per the interim pre-arrest bail granted earlier. She further submits on the basis of the statements of the witnesses recorded under Section 161 Cr.P.C that the said witnesses have seen the accused petitioner selling the Sasi trees.

6. It appears that the petitioner has co-operated with the investigation and the statements of the witnesses have already been recorded. This Court finds that custodial interrogation of the petitioner may not be required in the interest of the ongoing investigation into the case. Accordingly, the interim pre-arrest

bail granted vide order dated 19.01.2024 is hereby made absolute subject to the following conditions,

- i) The petitioner shall co-operate with the investigation,
- 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 any Police Officer, and
- (iii) the petitioner shall refrain from such activities with which he has alleged.

7. This disposes of the anticipatory bail application.

Send back the case diary.

JUDGE

Comparing Assistant