

GAHC010012372024



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

**Case No. : AB/188/2024**

PITTER RABHA  
S/O SRI MEGU RABHA  
R/O VILL- CHABUKDHARA  
P.O. RANGAJULI  
P.S. KHAIRABARI  
DIST. UDALGURI, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. U J SAIKIA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 26.02.2024**

Heard Mr. U. J. Saikia, learned counsel for the petitioner. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Khairabari P.S. Case No. 29/2023, under Sections 366/494/406 of the Indian Penal Code.

The Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Saikia, learned counsel for the petitioner, that the petitioner is innocent and incident was alleged to have been taken place in the month of June and the F.I.R. was lodged only in the month of August with the allegation that the wife of the complainant eloped with him. However, he appeared before the I.O. and his statement under Section 161 Cr.P.C. was also recorded. He is still ready and willing to cooperate with the I.O. in the further investigation of this case if he is granted with the privilege of pre-arrest bail accordingly, it is prayed to make the interim pre-arrest bail order absolute.

In this context, Mr. K. K. Das, learned Additional Public Prosecutor, has submitted that after obtaining the interim pre-arrest bail, the accused/petitioner has appeared before the I.O. and extended his cooperation in the investigation

of this case. More so, considering the materials in the Case Diary, his pre-arrest bail prayer can be considered.

After considering the submissions made by the learned counsels of both sides and also considering the materials available in the Case Diary, viz-a-viz the cooperation from the accused/petitioner, I am of the view that custodial interrogation of the accused/ petitioner is not necessary and hence, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioner vide order dated 25.01.2024, is hereby made absolute in the same terms and conditions.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

**JUDGE**

**Comparing Assistant**