

GAHC010020042024



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

Case No. : AB/267/2024

SUJATA GOSWAMI
DAUGHTER OF SRI KABI CHANDRA GOSWAMI, VILL.- BASAB NAGAR, P.O
AND P.S. MANGALDAI, DIST.- DARRANG, ASSAM, PIN- 784125

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM

Advocate for the Petitioner : MR. M SARANIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 27-02-2024

Heard Mr. M. Sarania, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC, in short) filed by the petitioner i.e. Sujata Goswami praying for pre-arrest bail who is apprehending arrest in connection with

Jogighopa Police Station Case No. 299/2023 under Sections 120B/409/468/471/34 of the Indian Penal Code, 1860 (IPC, in short).

3. The Case Diary as called for is placed before this Court.

4. It may be mentioned that by the order dated 06.02.2024 this Court granted the privilege of interim pre-arrest bail to the petitioner subject to the conditions.

5. Mr. D. Das, learned Additional Public Prosecutor submits that the Case Diary shows that the petitioner appeared before the Investigating Officer and got her statement recorded under Section 161 CrPC as per the interim pre-arrest bail granted earlier.

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

7. It appears from the Case Diary placed before this Court that there are no adverse materials collected by the Investigating Officer against the petitioner. It further appears from the statement of the petitioner that after the petitioner came to know about the subject fraudulent mutation, she cancelled the order of mutation.

8. In view of the above, this Court finds that custodial interrogation of the petitioner may not be required in the interest of the ongoing investigation in the case. Accordingly, the interim pre-arrest bail granted by the order dated 06.02.2024 is hereby made absolute subject to the following conditions:

- i) That the petitioner shall cooperate in investigation as and when required; and
- ii) That the petitioners shall not, directly or indirectly, make any inducement,

threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

9. With the above observations and directions, this anticipatory bail application stands disposed of.

10. Return the Case Diary.

JUDGE

Comparing Assistant