

GAHC010020052024



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

Case No. : AB/268/2024

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

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR

Advocate for the Petitioner : MR. M SARANIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 27.02.2024

Heard Mr. M. Sarania, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, 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 Jogighopa P.S. Case No. 292/2023, under Sections 120B/420/468/471/34 and added Section 409 of the Indian Penal Code.

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

It is submitted by Mr. M. Sarania, learned counsel for the petitioner, that after obtaining the interim pre-arrest bail on 06.02.2024, the accused/petitioner already appeared before the I.O. and his statement has been recorded under Section 161 Cr.P.C. He is still ready and willing to cooperate with the I.O. in the further investigation of the case if he is granted with the privilege of pre-arrest bail. He further submitted that after the execution of the sale deed and coming to know about the irregularity, he himself cancelled the mutation of the said disputed land and the land was only mutated in the name of the purchaser after the verification of the land and execution of the sale deed.

In this context, Mr. K. K. Parasar, learned Additional Public Prosecutor, has submitted that the accused/petitioner had already appeared before the I.O. and cooperated in the investigation. More so, there is sufficient progress in the investigation of the case and accordingly, he submitted that the custodial interrogation of the present accused/petitioner may not be necessary.

After considering the submissions made by the learned counsels of both sides and also considering the progress of investigation as well as the conduct of 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 06.02.2024, 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