

GAHC010021322024



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

Case No. : AB/256/2024

BUDHIN BORTHAKUR
S/O SRI PADMA BORTHAKUR, R/O E-3, SANTINILOY, 515 BYE LANE
MOTHER TERESA ROAD, GUWAHATI, DIST-KAMRUP (METRO), ASSAM,
PIN-781021

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 01.05.2024

Heard Mr. K.N. Choudhury, learned Senior counsel assisted by Mr. R.M. Deka, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State of Assam.

This is an application made under **Section 438 Cr.P.C.**, seeking pre-arrest bail by the petitioner, namely, **Budhin Borthakur**, apprehending arrest in connection with **Lotasil P.S. Case No. 229/2023**, registered under Section **120B/409/420/468 IPC r/w Section 417 of Guwahati Municipal Corporation (Second Amendment) Act, 2006 and Section 269 of Assam Municipal Corporation Act, 2022.**

The learned Senior counsel for the petitioner submits that the petitioner has appeared before the Investigating Police Officer as per direction of this Court and his statement has already been recorded after he was granted interim protection. He has not misused the liberty granted to him; rather, he co-operates with the investigation of the case. Therefore, the privilege of pre-arrest bail granted to the petitioner may be made absolute.

Mr. Baruah, learned Additional Public Prosecutor for the State submits that the petitioner may appear before the investigating officer as and when called for. It is also submitted that the statement of petitioner has already been recorded by the investigating officer. It is further submitted that the he has objection if the prayer of the petitioner is allowed.

I have considered the submission made by the learned counsel for the parties and also perused the case diary.

It appears that the petitioner has not misused the liberty granted to him while availing interim protection. It is directed to the petitioner to appear before the investigating officer as and when called for.

Considering all, this Court is of the view that the petitioner

deserves to be granted the privilege of pre-arrest bail.

Accordingly, the interim protection granted to the petitioner vide order dated 05.02.2024, is made absolute on the same terms and conditions, as reflected.

The petition stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant