

GAHC010024552024



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

Case No. : AB/287/2024

MRINAL MEDHI AND ANR.
S/O LATE JYOTISH CHANDRA MEDHI
R/O FLAT NO. C-1, 1ST FLOOR,
BLCOK-A, SANTI VALLEY APARTMENT, GOTANAGAR, GUWAHATI-781011,
P.S. JALUKBARI,
DIST. KAMRUP (M), ASSAM

2: DIPIKA KUMARI

W/O MRINAL MEDHI
R/O FLAT NO. C-1
1ST FLOOR

BLOCK-A
SANTI VALLEY APARTMENT
GOTANAGAR

GUWAHATI-781011
P.S. JALUKBARI
DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP.BY THE STATE OF ASSAM

Advocate for the Petitioner : MS. A RANA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

28.02.2024

Heard Ms. A. Rana, learned counsel for the petitioners. 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 are apprehending arrest in connection with Jalukbari P.S. Case No. 24/2024, corresponding to G.R. Case No. 306/2024, under Sections 143/144/326/ 153(A)/506 of the Indian Penal Code.

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

It is submitted by Ms. Rana, learned counsel for the petitioners, that after obtaining the interim pre-arrest bail on 08.02.2024, both the accused/petitioners have already appeared before the I.O. and their statements are also recorded under Section 161 Cr.P.C. She further submitted that no such incident has happened as alleged in the F.I.R. except a simple altercation wherein the victim fell down and sustained some minor injury. However, they are still ready and willing to cooperate with the I.O. in the further investigation of this case if they are granted with the privilege of interim pre-arrest bail.

In this context, Mr. Parasar, learned Additional Public Prosecutor, has submitted that from the materials available in the Case Diary and from the Injury Report, it is seen that the custodial interrogation may not be necessary and in the same time, both the accused/petitioners also appeared before the I.O. and their statements were also recorded under Section 161 Cr.P.C.

After considering the submissions made by the learned counsels of both sides and also considering the materials available in the Case Diary as well as the conduct of the accused/petitioners, I am of the view that custodial interrogation of the accused/petitioners are not necessary in the interest of investigation and hence, I find it a fit case to extend the privilege of pre-arrest bail to the

accused/petitioners. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioners vide order dated 08.02.2024 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