

GAHC010033222024



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

Case No. : AB/416/2024

JUGAL SAIKIA AND 3 ORS.
S/O LATE TANKESWAR SAIKIA
R/O VILL- KAMALABORIA
P.O. PHUKANARHAT, P.S. PANIGAON
DIST.LAKHIMPUR, ASSAM

2: SRI BHUPEN SAIKIA
S/O LATE MADHURAM SAIKIA
R/O WARD NO. 6
NAKARI
NORTH LAKHIMPUR

P.O. AND P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM

3: SRI MANASH JYOTI SARMAH
S/O LATE RAMAKANTA SARMAH
R/O VILL- GHARMARA SATRA
P.O. GHARMARA
P.S. NORTH LAKHIMPUR

DIST. LAKHIMPUR
ASSAM

4: SRI PHULAK SAIKIA
S/O LATE TANKESWAR SAIKIA
R/O VILL- KAMALABORIA
P.O. PHUKANARHAT P.S. PANIGAON

DIST. LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. J C GOGOI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 01.03.2024

Heard Mr. J. C. Gogoi, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, for grant of pre-arrest bail to the accused/petitioners, who are apprehending arrest in connection with Gohpur P.S. Case No. 17/2024, under Sections 341/364(A) /394/34 of the Indian Penal Code (corresponding G.R. Case No. 128/2024)

The Case Diary has been received and I have perused the same.

It is submitted by Mr. Gogoi, learned counsel for the petitioners, that the petitioners are innocent and they are not at all involved in the alleged offence. After obtaining the interim pre-arrest bail, they have already appeared before

the I.O. and their statements have also been recorded under Section 161 Cr.P.C. They are still ready and willing to co-operate with the I.O. in the further investigation of the case if they are granted with the privilege of pre-arrest bail.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that all the accused/petitioners had already appeared before the I.O. after obtaining the interim pre-arrest bail and co-operated in the investigation of the case. Further he submitted that considering the materials available in the Case Diary, their pre-arrest bail prayer may be considered.

Considering the submissions made by the learned counsels for both sides and also considering the materials available in the Case Diary, I am of the view that that custodial interrogations of the accused/petitioners are not necessary in the interest of investigation and accordingly, the interim pre-arrest bail granted by this Court, vide order dated 21.02.2024, 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