

GAHC010034362024



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

Case No. : AB/402/2024

DHIRAJ CHOUDHURY
S/O HARI CHARAN CHOUDHURY
R/OVILL- DHARAPUR CHARIALI,
P.O. AND P.S. AZARA, GUWAHATI-17, DIST.KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP, ASSAM

Advocate for the Petitioner : MR. M C DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 27-02-2024

Heard Mr. S.P. Choudhury, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State of Assam. Mr. P. Choudhury, learned counsel is also present for the informant.

2. This is a second application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC, in short) for granting anticipatory bail to the petitioner

namely Dhiraj Choudhury in connection with Azara Police Station Case No. 261/2023 under Sections 120(b)/420/466/467 of the Indian Penal Code, 1860 (IPC, in short).

3. The petitioner along with his mother-in-law and wife had earlier approached before this Court for anticipatory bail. By the order dated 23.01.2024, anticipatory bail was granted to the mother-in-law and wife of the petitioner. However, considering the incriminating evidence collected against the petitioner, anticipatory bail was rejected in case of the petitioner.

3. Mr. Choudhury, learned counsel for the petitioner submits that the mother-in-law and wife by filing an affidavit have retracted the statement given under Section 161 CrPC against the petitioner.

4. Mr. Das, learned Additional Public Prosecutor on the other hand strongly opposes the prayer of anticipatory bail and submits that the offence is grave and investigation is at an active stage and therefore, if any bail is granted to the petitioner, the same shall be hampered.

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

6. This Court is of the opinion that as regards the petitioner, the circumstances have not changed and hence, no case of anticipatory bail at this stage is made out. Accordingly, this anticipatory bail application stands rejected.

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

8. Return the Case Diary.

JUDGE

Comparing Assistant