GAHC010041942024

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

Case No. : AB/489/2024

DIGANTA BORAH
S/O- DILIP BORAH,
R/O- MADHUTING GAON, BHADOI PANCHALI, P.O- BHADAI PANCHALI, P.S- DULIAJAN, DIST- DIBRUGARH, ASSAM, PIN-786191
PRESENTLY RESIDING AT C/128, P.O AND P.S- DULIAJAN, DIST- DIBRUGARH, ASSAM, PIN-786191

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : CHANDAN TALUKDAR
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 01.04.2024

Heard Mr. A. Gautam, learned counsel for the petitioner. Mr. R. J. Barua, learned Additional Public Prosecutor for the State who has produced the case diary of Duliajan P.S. Case No. 27/2024 which was called for in connection with this case.

Learned counsel for the petitioner has submitted that the petitioner, namely, *Diganta Borah* was allowed to go on interim bail by order dated 28.02.2024 by

this Court with certain conditions and as per directions of this court, the petitioner had appeared before the Investigating Officer on two occasions i.e., 1st March, 2024 and thereafter on 25th March, 2024 and has cooperated in the investigation.

The learned Additional Public Prosecutor has submitted that though the petitioner has appeared before the Investigating Officer, he has denied his involvement in the alleged offence. However, other witnesses have deposed that the victim was detained and assaulted in the AASU office at Duliajan.

I have considered the submissions made by learned counsel for the petitioner as well as the learned Additional Public Prosecutor and have perused the case diary of Duliajan P.S. Case No. 27/2024.

It appears from the record that the petitioner has appeared before the Investigating Officer in pursuant to the directions of this court and his statement was also recorded under Section 161 of the Code of Criminal Procedure, 1973 as it appears that the petitioner was complied with the directions of this court, and has cooperated in the investigation, his custodial detention does not appear to be necessary, if he continues to cooperate with the Investigating Officer.

In view of the above, the interim bail granted to the above named petitioner by order dated 28.02.2024 is hereby made absolute with conditions Nos. (i), (ii) and (iii) attached to the said order remaining intact.

With the above observations, this anticipatory bail application is disposed of.

JUDGE

Comparing Assistant