

GAHC010047452024



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

Case No. : AB/609/2024

KHAGEN KALITA
S/O LATE SURESH KALITA, R/O VILL-ARANGMOU, P.O.-ARANGMOU
(BARBHAG), P.S.-NALBARI (ASSAM), PIN-781347, DIST- NALBARI, (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A J DAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 19.06.2024

Heard Mr. A. J. Das, learned counsel for the petitioner. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of Cr.Pc, 1973 for seeking pre-arrest bail to the petitioner, i.e. Sri Khagen Kalita, who is apprehending arrest in connection with Nabari P.S Case No. 32/2024 registered under Sections 120(b)/143/144/341/326/307/436/353/427 of IPC.

Case diary as called for has been placed before this Court.

Pertinent that by order dated 07.03.2024, the petitioner has been granted interim pre-arrest bail subject to conditions.

Ms. N. Das, learned Additional Public Prosecutor submits that the petitioner has appeared before the Investigating Officer in terms of the interim pre-arrest bail granted earlier and his statement has also been recorded under Section 161 of Cr.PC by the Investigating Officer.

She further submits that the case diary reveals that the injury sustained by the victim is 'simple' in nature.

She further submits that no adverse materials have been collected against the petitioner.

Considering the totality of the circumstances, this Court is of the

considered view that custodial interrogation is not justified for the ongoing investigation.

Accordingly the interim pre-arrest bail granted by this Court by order dated 07.03.2024 is hereby made absolute subject of course to the following conditions:-

- (i) That the petitioner shall co-operate with the investigation.
- (ii) That the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer; and
- (iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

With the above observations and directions, the Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant