

GAHC010047652024



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

Case No. : AB/594/2024

SANDIPAN PAUL CHOWDHURY
S/O SRI SWAPAN KUMAR CHOWDHURY, R/O BSS ROAD, AGARPARA,
TARAPUKHUR, PACHIM PALLY, DIST-NORTH 24 PARGANAS, KOLKATA,
WEST BENGAL-700109

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S K JAIN
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

21.06.2024

None appears for the petitioner on call. Ms. N. Das, learned Additional Public Prosecutor for the State respondent is present.

This is an application under Section 438 of Cr.P.C, 1973 for seeking pre-arrest bail to the petitioner, i.e. Swapan Kumar Chowdhury, who is apprehending arrest in connection with BI(EO) P.S Case No. 02/2016 registered under Sections 120(B)/420/409/468/471 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 order dated 07.03.2024 passed earlier by this Court and his statement has also been recorded under Section 161 of Cr.P.C. She further submits that the petitioner is co-operating in the investigation and there is no adverse antecedents reported by the IO as regards the petitioner.

Considering the totality of the circumstances, this Court is of the considered view that custodial interrogation of the petitioner may not be 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.

Let Registry intimate the said order to the learned counsel appearing on behalf of the petitioner as well as the petitioner through e.mail/whats app.

JUDGE

Comparing Assistant