

GAHC010047732024



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

Case No. : AB/595/2024

RAMESH JAIN
S/O LATE CHOGA LAL JAIN, R/O HOUSE NO. 13, BY-LANE NO. 2,
DEBADARU PATH, DISPUR, GUWAHATI, P.S.-DISPUR, DIST- KAMRUP (M),
ASSAM, PIN-781006

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 09.05.2024

Heard Mr. T. Deuri, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, 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/petitioner, who is apprehending arrest in connection with Dispur P.S. Case No. 160/2024, under Sections 354(B)/ 376/506/294/354(A) of the Indian Penal Code.

It is submitted by Mr. T. Deuri, learned counsel for the petitioners, that the accused/petitioner is innocent and he has been falsely implicated in this case by the informant after withdrawing around Rs. 30,000/- from his account taking the advantage of being the employee under him. He further submitted that after obtaining the order of interim pre-arrest bail, he already appeared before the I.O. and co-operated in the investigation of the case. His statement is also recorded under Section 161 Cr.P.C. and he is still ready and willing to co-operate with the I.O. in the further investigation of the case if he is granted with the privilege of pre-arrest bail.

In this context, Mr. K. K. Parasar, learned Additional Public Prosecutor, has submitted that in spite of repeated request, the informant refused to go for medical examination. In the present case, she brought the allegation of attempt to rape on her, but she brought the earlier allegation of committing rape on her by the accused/petitioner on 04.12.2023. Further he submitted that considering the materials available in the Case Diary, custodial interrogation may not be necessary for the interest of the investigation.

After hearing the submissions made by the learned counsels for both sides and also considering the materials available in the Case Diary, viz-a-viz the conduct of the accused/ petitioner, I find that custodial interrogation of the

present accused/petitioner may not be necessary for the interest of investigation and hence, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioner vide order dated 03.04.2024, 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