

GAHC010049852024



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

Case No. : AB/632/2024

PUTULI DEKA AND ANR
W/O NABA DEKA AND D/O LATE UDAY CH. DEKA, R/O NIZARAPAR, P.O.
AND P.S.-CHANDMARI, GUWAHATI-781003, DIST-KAMRUP (M), ASSAM

2: DR. KAUSTAV BARUAH
S/O NABA DEKA
R/O NIZARAPAR
P.O. AND P.S.-CHANDMARI
GUWAHATI-781003
DIST-KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R SARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

10.05.2024

Heard Ms. S.D. Saikia, learned counsel for the applicants and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Chandmari P.S. Case No. 41/2024**, under Sections 406/420 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants namely, **Putuli Deka and Dr. Kaustav Baruah** for grant of pre-arrest bail.

3. It is to be noted here that the said case has been registered on the basis of one F.I.R., lodged by one Dipali Rajbongshi, on 17.02.2024. The essence of allegations made in the FIR is that one Putuli Deka took a sum of Rs. 12,00,000/- from her to provide a job to her son namely Samiran Rajbongshi, but she failed to manage any job to her son. As she failed to manage any job to her son she approach Putuli Deka to return the amount and on 11.02.2024, she went to the house of Putuli Deka, but she has been misbehaved and she has been said that she will neither return the money nor she will provide any job to her son.

4. Ms. Saikia, learned counsel for the applicants submits that this Court was pleased to grant interim protection to the applicants, vide order dated 18.03.2024, and pursuant to the said order, the applicants had appeared before the I.O. and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 18.03.2024, absolute in the same terms and conditions.

5. On the other hand, Mr. Gogoi, learned Additional Public Prosecutor by producing the case diary before this court, submits that the material part of investigation is almost over.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. In view of the submissions of learned counsel for both the parties and also considering the fact that the applicants have been cooperating with the investigating agency and that of the progress of investigation, this Court is of the view that custodial interrogation of the applicants seems to be unwarranted here in this case. And therefore, this Court is inclined to make the interim order dated **18.03.2024, absolute** in the same terms and condition.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

JUDGE

Comparing Assistant