

GAHC010052832024



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

Case No. : AB/680/2024

SANJAY SAH AND ANR
S/O KANCHAN SAH, R/O TIOK RAJABARI, SONARI, P.O. AND P.S.-SONARI,
DIST- CHARAIDEO, ASSAM, PIN-785690

2: SMTI GANGAMONI SAH @ GEETA SAH
W/O SRI SANJAY SAH
R/O TIOK RAJABARI
SONARI
P.O. AND P.S.-SONARI
DIST- CHARAIDEO
ASSAM
PIN-78569

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A R SHOME

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

08.05.2024

Heard Mr. A. R. Shome, learned counsel for the petitioners. Also heard Mr. K. K. Parasar, learned Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioners, who are apprehending arrest in connection with Sonari P.S. Case No.06/2024 under Section 395 of the Indian Penal Code.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioners, Mr. Shome, that after obtaining the interim pre-arrest bail, the petitioners appeared before the I.O. and their statement has been recorded under Section 161 of Cr.P.C. More so, as they have already co-operated with the I.O. and also considering the nature of offence, their custodial interrogation is not at all necessary in this case and accordingly, it is prayed to make the interim pre-arrest bail order absolute.

In this context, the learned Additional Public Prosecutor, Mr. Parasar, has submitted that the petitioners have already appeared before the I.O. and they co-operated in the investigation of the case. However, he submitted that no inquiry report is available in the Case Diary, though, the allegation of assault is also brought in the FIR.

After hearing the submissions made by the learned counsels of both sides and also considering the entire aspects of the case, nature of allegation as well

as the conduct of the accused/petitioners, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioners. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioners vide order dated 14.03.2024, is hereby made absolute with a direction to the accused/petitioners to co-operate with the I.O. in further investigation of the case.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant