

GAHC010066812024



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

Case No. : AB/867/2024

AMIT BISWAKARMA @ AMRIT BISWAKARMA
S/O SHRI BHOJ BDR. BISWAKARMA, R/O VILL- PITHAGURI DOUL, P.O.-
KUSUMTOLA, P.S.-JAMUGURI, DIST- SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR G PHUKAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 06-05-2024

- 1.** Heard Mr. G. Phukan, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, the learned Addl. PP appearing on behalf of the State respondent.
- 2.** This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, namely, Amit Biswakarma @ Amrit Biswakarma who is apprehending arrest in connection with Silapathar P.S. Case No. 51/2024, under Sections 294/376/420 of the Indian Penal Code.

3. It is submitted by Mr. Phukan, learned counsel for the petitioner that after obtaining the interim pre-arrest bail on 03.04.2024, the petitioner appeared before the IO and co-operated in the investigation of this case and his statement is also recorded u/s 161 Cr.PC . More so, as he has already co-operated with the IO and considering the nature of offences, his custodial interrogation is not at all necessary in this case. Accordingly it is prayed to make the interim pre-arrest bail order absolute.

4. In this regard, Mr. Sharma, the learned Addl. PP has submitted that from the material on record, it is seen that he has co-operated with the IO. As per the statement of the victim she had a love affair with the petitioner since last 4 years and on the day of the incident also she eloped with him by her own. However, she has stated that he forcefully had physical relationship with the victim.

5. 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/petitioner, 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 with a direction to the accused/petitioner 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