

GAHC010073302024



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

Case No. : AB/926/2024

PRODIPTA RONGPIPI AND 2 ORS.
D/O PRITOM RONGPI
R/O NEW CHRISTIAN PATTY, BORBHETA, JAIL ROAD,
P.O. BORBHETA, P.S. JORHAT
PIN-785004
DIST. JORHAT, ASSAM
PERMANENT ADDRESS-
FLAT NO. 3B2, BLOCK-A,
ECSTASY ENCLAVE, LAKHIMI NAGAR
P.S. HATIGAON, PIN-781038
DIST. KAMRUP (M), ASSAM

2: ANNA ANNIE BARLA
D/O DAVID BARLA
R/O BARIKA CHUBURI
TEZPUR
P.O. TEZPUR
P.S. TEZPUR
DIST. SONITPUR
ASSAM
PIN-784001.
PERMANENT ADDRESS-
R/O FLAT NO. 5D3
BLOCK-B

ECSTASY ENCLAVE
LAKHIMI NAGAR

P.S. HATIGAON
PIN-781038
DIST. KAMRUP (M)
ASSAM

3: PRATIMA LAKRA

W/O JEROME MARDI
R/O KALAJHAR
PARKIJULI
P.S. TAMULPUR
PIN-781360
DIST. TAMULPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. A RANA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

10.05.2024

Heard Mr. B. Borgohain, learned counsel for the applicants and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Mangaldoi P.S. Case No.44/2019 under Section 193/468/471 IPC, this application under Section 438 Cr.P.C. is preferred by three applicants, namely, Prodipta Rongpipi, Anna Annie Barla and Pratima Lakra, for grant of pre-arrest bail.

3. It is to be noted here that the above-noted case has been registered on the basis of an FIR lodged by one Anil Chandra Sarmah, Retired Professor, Mangaldoi College, on 19.01.2019. The essence of allegation made in the aforesaid FIR is that one Rimika Tanti has submitted one forged date of birth certificate in C.R. No.216/2017.

4. Mr. Borgohain, learned counsel for the applicants submits that the applicants are

granted the privilege of interim pre-arrest bail vide order dated 08.04.2024 and pursuant to the said order, they have appeared before the I.O. and their statements have also been recorded and that they are no way involved with the offence alleged in the FIR and they are ready to cooperate with the investigating agency and therefore, it is contended to make the interim order dated 08.04.2024, absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected some materials against the present applicants. Mr. Sarma also submits that the applicants have appeared before the I.O. and their statements have been recorded.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

7. The case diary indicates that the I.O. has collected some materials in support of the allegation made in the FIR. But it also appears from the case diary that the applicants have been cooperating with the investigating agency and they have appeared before the I.O. and their statements have also been recorded.

8. In view of above, and also in view of the progress of investigation, custodial interrogation of the present applicants seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 08.04.2024, absolute, in the same terms and conditions. Case diary be returned.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant