

GAHC010074222024



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

Case No. : AB/965/2024

KANJIT KALITA
S/O KRISHNA KALITA, VILL- ARANGMOW, NALBARI, P.S.-NALBARI, DIST-
NALBARI, PIN-781347

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 27-06-2024

- 1.** Heard Ms. T. Som, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. PP for the State Respondent.
- 2.** This is a second application under Section 438 of the Code of Criminal Procedure, 1973 for granting anticipatory bail to the petitioner, namely, Kanjit

Kalita who is apprehending arrest in connection with Nalbari Police Station Case No. 32/2024 registered under Sections 120(B) / 143 / 144 / 341 / 326 / 307/436/353/427 of IPC, 1860.

3. The case of the prosecution in brief is that on 13.01.2024 four persons who were sitting inside the car were badly assaulted by the villagers with bamboo sticks and lathi with intention of killing them in suspect of cow theft. It is further alleged that the police personnel were also attacked and the government vehicle was damaged.

4. Pertinent that this Court earlier by Order dated 22.03.2024 rejected the prayer for anticipatory bail.

5. Pertinent more that by order dated 10.05.2024 this Court in this application had granted interim pre-arrest bail to the petitioner subject, of course, to conditions.

6. Case Diary called is placed before this Court.

7. Mr. P. Borthakur, learned Addl. PP submits that the petitioner as per the order dated 10.05.2024 passed by this Court earlier, appeared before the Investigating Officer and his statement has also been recorded under Section 161 Cr.PC. He further submits that the Case Diary reveals that there are materials available on record impleading the accused for the offence alleged. He however fairly submits that there are no materials adverse to the antecedent of the petitioner and no material whatsoever available in the Case Diary to suggest that the petitioner shall free from justice in the event is released on anticipatory bail.

8. Considering the fact that the petitioner is co-operating with the investigation, this Court is of the considered view that custodial interrogation

may not be justified for the ongoing investigation. Accordingly the interim pre-arrest bail granted on 10.05.2024 is hereby made absolute subject to the following conditions:-

- 1) That the petitioners shall appear before the Investigating Officer within 10 days, failing which on and from the 11th day, the interim-pre arrest bail order shall have no force;
- 2) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer; and
- 3) That the petitioners shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

The anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant