

GAHC010077942024



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

Case No. : AB/1026/2024

REBOTI RABHA AND 2 ORS.
W/O PRABIN RABHA
R/O VILL- TEPCHIA
P.S. BOKO,
DIST. KAMRUP, ASSAM

2: BARNALI RABHA
W/O TANU RAM RABHA
R/O VILL- HALDHIPARA
P.S. BOKO
DIST. KAMRUP
ASSAM

3: PAPORI RABHA
W/O RATUL RABHA
R/O SAKHATI
(RANGSAPARA)
P.O. BANDAPARA
P.S. BOKO
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. B K BHAGAWATI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

14.05.2024

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

2. Apprehending arrest in connection with Boko P.S. Case No.157/2024 under Section 498(A) IPC, this application under Section 438 Cr.P.C. is preferred by three applicants, namely, Reboti Rabha, Barnali Rabha and Papori Rabha, 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 Purabi Kalita, on 05.04.2024. The essence of allegation made in the aforesaid FIR is that she got married with one Shashadhar Rabha in a Temple and thereafter, they started living together as husband and wife. Thereafter, on 01.04.2024, at about 11:00 p.m. Shashadhar Rabha along with Reboti Rabha, Barnali Rabha and Papori Rabha, subjected her both physical and mental cruelty and in the morning they had thrown her out from their house and threatened to kill her and also her family members, on failing to fulfill their demand of dowry.

4. Mr. Bhagawati, learned counsel for the applicants submits that this Court vide order dated 22.04.2024 was pleased to extend the privilege of interim pre-arrest bail to the applicants and pursuant to the said order, they had appeared before the I.O. and their statements are also recorded and therefore, Mr. Bhagawati contended that the interim order dated 22.04.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, producing the case diary before this Court submits that the applicants have appeared

before the I.O. and cooperating with the investigating agency and in view of the progress of investigation, Mr. Gogoi submits that custodial interrogation of the present applicants may not be required in the interest of investigation.

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. Gogoi, learned Additional P.P.

7. The case diary indicates that the applicants have appeared before the I.O. and cooperating with the investigating agency. Further, it appears that the I.O. has achieved substantial progress in the investigation of this case and in view of above, custodial interrogation of the applicants seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 22.04.2024, absolute, in the same terms and conditions. Case diary be returned.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant