

GAHC010079952024



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

Case No. : AB/1037/2024

DIMBESWAR THAKURIA
S/O LATE SURJYA KANTA THAKURIA,
VILL.- MANDIRA, P.O.- HEKRA, P.S.- BOKO, DIST.- KAMRUP (ASSAM), PIN-
781127.

VERSUS

THE STATE OF ASSAM
REP. BY THE PUBLIC PROSECUTOR.

Advocate for the Petitioner : MR. U N CHATTRY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 17.05.2024

Heard Mr. U.N. Chattry, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional 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/petitioner, namely Sri Dimbeswar Thakuria, who has been apprehending arrest in connection with Nagarbera P.S. Case No. 44/2024, under Sections 304/338/34 IPC.

The Case Diary has been received. Perused the same.

It is submitted by the learned counsel for the petitioner that he is innocent and no way connected in the alleged offence. However, after obtaining the interim pre-arrest bail, the petitioner has appeared and his statement under Section 161 Cr.P.C. has also been recorded. He is still ready and willing to cooperate the I/O in further investigation of the case, he is granted with the privilege of pre-arrest bail.

Learned Additional Public Prosecutor in this regard has submitted that as per the post-mortem report, the death was due to electrocution.

After hearing the submission made by the learned counsel for both sides and the materials available in the case diary, the cause of death and the other aspect of the case, I find that custodial interrogation of the present accused petitioner is not necessary for the purpose of investigation of the case and hence, 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 22.04.2024, is hereby made absolute with the same terms and conditions.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant