

GAHC010083012024



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

Case No. : AB/1095/2024

BHIMBAR DEKA
S/O LATE PADMESWAR DEKA,
VILL.- CHATABORI, P.O.- BORKULOI, P.S.- JAGIROAD, DIST.- MORIGAON,
ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE PUBLIC PROSECUTOR.

Advocate for the Petitioner : MR BHARGAV DAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

15.05.2024

Heard Mr. B. Das, learned counsel for the petitioner. Also heard Mr. P. Sharma, learned Additional Public Prosecutor for the State respondent.

This application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Jagiroad P.S. Case No.312/2023 [G. R. Case No.1762/2023] under Sections 149/323/306/307/120B/34 of the Indian Penal Code.

Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Das that the petitioner is innocent and he is no way involved in the alleged offence. After obtaining the interim pre-arrest bail on 29.04.2024, the accused/petitioner appeared before the IO and his statement is recorded under Section 161 of Cr.P.C. More so, the accused/petitioner is still ready and willing to co-operate with the IO in further investigation of this case, and accordingly, he prays for making his interim pre-arrest bail as absolute.

In this context, Mr. Sharma, learned Additional Public Prosecutor has submitted that after obtaining the interim pre-arrest bail, the accused/petitioner appeared before the IO and co-operated with the investigation of the case. He further submitted that prior to the order of pre-arrest bail also the accused/petitioner appeared before the IO after receiving the notice under

Section 41A of Cr.P.C. and co-operated the IO and thus, he raised no objection, if his interim pre-arrest bail is made absolute.

After hearing the submissions of the learned counsels for both sides and also considering the materials available in the Case Diary as well as considering the fact that the accused/petitioner has already appeared before the IO and co-operated with the investigation of this case, I find it fit to extend the privilege of pre-arrest bail to the accused/petitioner namely **Sri Bhimbar Deka**. Thus, the order passed by this Court dated 29.04.2024, 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