

GAHC010122642024



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

Case No. : AB/1585/2024

PRASANTA GOSWAMI
S/O LATE NIRANJAN GOSWAMI
R/O AIDC, AMBIKAGIRINAGAR, GUWAHATI, P.O. ZOO ROAD,
P.S. GEETANAGAR, DIST. KAMRUP, ASSAM, PIN-781024

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. N S THAKURIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 19-07-2024

Heard Ms. N. S. Thakuria, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor ,appearing on behalf of the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure,

1973 for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Chandmari P.S. Case No. 139/2024, under Sections 384/294/506 of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Ms. Thakuria, learned counsel for the petitioner, that the present accused/petitioner is innocent and he is not way involved in the offence as alleged in the F.I.R. It is a fact that he was the engaged counsel of the brother-in-law of the informant who was the defendant in the title suit filed by them. However, after obtaining the order of interim pre-arrest bail on 19.06.2024, he appeared before the I.O. and co-operated in the investigation of the case. He is ready to extend his further co-operation in the investigation of the case if he is granted with privilege of the pre-arrest bail.

Mr. Borthakur, learned Additional Public Prosecutor, has submitted in this regard that the accused/petitioner has already appeared before the I.O. and co-operated in the investigation of the case and his statement was also recorded under Section 161 Cr.P.C. and considering the materials available on record, custodial interrogation of the present accused/petitioner may not be necessary.

Considering the submissions made by learned counsels for both sides and also considering the materials available in the Case Diary, conduct of the present accused/petitioner, I find that it is a fit case to extend the privilege of pre-arrest bail to the present/accused petitioner and accordingly, the interim pre-arrest bail granted to the present accused/ petitioner, vide order dated 19.06.2024, is hereby made absolute in the same terms and conditions.

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

JUDGE -

Comparing Assistant