

GAHC010125152024



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

Case No. : AB/1619/2024

NITUL CHANDRA DAS
S/O LATE FATIK DAS
R/O BANNIBARI, P.O. BANNIBARI
P.S. MUKALMUA, DIST. NALBARI, ASSAM
PIN-781126

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR W R MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 26.06.2024

Heard Mr. W. R. Medhi, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, 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, who is apprehending arrest in connection with an F.I.R. lodged by the wife of the petitioner before the All Women Police Station, Panbazar.

Mr. R. J. Baruah, learned Additional Public Prosecutor, has submitted that in pursuant to the order dated 24.06.2024, he has made an enquiry from the All Women Police Station, Panbazar as to whether any F.I.R. has been registered against the present petitioner or not and accordingly it is informed to him though one F.I.R. has been lodged, but the same is not yet been registered. However, they want to interrogate the present petitioner in regards to the said F.I.R.

In this context, Mr. W. R. Medhi, learned counsel for the petitioner, has submitted that the present petitioner has also lodged one F.I.R. before the Mukalmua Police Station and also preferred one application before the Court of learned Principal Judge, Family Court, Kamrup, Guwahati for restitution of conjugal life and the same is fixed on 28.06.2024 and he is ready to accept his wife at this stage and want to settle the matter with his wife. However, he prayed for some interim protection so that he can appear before the I.O. and can give his statement.

Considering the submissions made by the learned counsel for the petitioner and also considering the fact that one F.I.R. has already been lodged before the All Women Police Station, Panbazar, though the same is not yet been registered, I find that some interim protection can be granted to the petitioner.

Accordingly, it is hereby directed that no coercive action shall be taken against the present petitioner in respect of the F.I.R. lodged before the All Women Police Station, Panbazar with a further direction to the petitioner to appear before the All Women Police Station, Panbazar and to co-operate in the investigation.

With the above direction, the present anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant