

GAHC010132212022



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

Case No. : AB/1865/2022

DR. BANIKANTA SARMA
S/O- SHRI NRIPENDRA NATH SARMA, R/O- H/NO. 7, TARALI PATH,
OPPOSITE GATE NO. 3, KALAKHETRA, PANJABARI, GUWAHATI, P.S.
DISPUR, KAMRUP(M) DISTRICT, ASSAM-781037., PRESIDENT OF
GUWAHATI YOUTH SOCIETY (GYS).

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR Z KAMAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

23.04.2024

Heard Mr. Z. Kamar, learned Senior Counsel assisted by Ms. T. K. Sarma, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State of Assam.

By this Application under Section 438 of the Cr.P.C., the petitioner namely, **Dr. Banikanta Sarma** is seeking pre-arrest bail in connection with the C.I.D. Case No. 04/2022 under section 120(B)/420/406/409/468/471 of IPC.

This Court vide order dated 05.07.2022 has granted interim protection to the petitioner while calling for the case diary.

The learned counsel for the petitioner submits that the petitioner has appeared before the Investigating Officer after the interim protection was granted by this Court under its order dated 05.07.2022 and recorded his statement and co-operated with the investigation.

The case diary as called for has been received and perused the same.

The case diary reveals that the investigation has sufficiently progressed, statement of witnesses under Section 161 of Cr.P.C. have been recorded and certain documents have also been seized.

The case diary further reveals that after interim protection granted by this Court, the petitioner has fully cooperated with the investigating agency and no material has been placed on record to suggest any likelihood of absconding of the petitioner.

After perusal of the case diary, this Court is of the opinion that stage of investigation, does not warrant custodial interrogation at this stage inasmuch as the petitioner has cooperated with the investigating agency.

Therefore, in the totality of the matter, the interim protection granted under order dated 05.07.2022 is made absolute subject to further condition that the petitioner shall make himself available for interrogation if the investigating officer calls for and also continues to cooperate with the investigation.

Accordingly, this bail application stands disposed of.

Case diary be returned back.

JUDGE

Comparing Assistant