

GAHC010137832024



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

Case No. : AB/1770/2024

GAYATRI SONOWAL
C/O B.C. SONOWAL,
R/O DARRANG COLLEGE ROAD, OPPOSITE LAW COLLEGE, P.O. AND P.S.-
TEZPUR, DIST.- SONITPUR, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. HEREIN BY ITS P.P., ASSAM.

Advocate for the Petitioner : MR S BORTHAKUR, MR A BANERJEE, MR P K BASU, MR. N SARKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28-10-2024

Heard Mr. S. Borthakur, learned counsel for the petitioner and Mr. B. Sharma, learned Additional Public Prosecutor, Assam for the State.

2. On receipt of notice under Section 41A of the CrPC relating to **CID P.S. Case No. 01/2024** registered under Section 25 (1-A) of the Arms Act, 1959 apprehending her arrest, the petitioner, namely, **Gayatri Sonowal** has filed this bail application under Section 482 of the BNSS, 2023 seeking pre-arrest bail in

said CID P.S. Case.

3. Matter relates to recovery of 10 rounds of 9 mm live ammunitions packed in a Khaki paper box marked as 35 cartridge 9 MM Ball MK 2Z K.F., 31B-12-06 on 11.09.2023 from the government resident of the petitioner during the period of her suspension from service.

4. The Court by order dated 11.07.2024 granted interim pre-arrest bail to the petitioner in said CID P.S. Case No. 01/2024 and called for the case diary.

5. As the relevant case diary was not placed before the Court earlier, the interim pre-arrest bail granted to the petitioner in said CID P.S. Case No. 01/2024 was extended by various orders, fixing the matter today.

6. Perused the case diary of said CID P.S. Case No. 01/2024, placed before the Court today by Mr. B. Sharma, learned Additional Public Prosecutor, Assam.

7. From the case diary, it is seen that the petitioner after obtaining such interim pre-arrest bail on 11.07.2024 from the Court, appeared before the concerned Investigating Officer of said CID P.S. Case No. 01/2024 on 12.07.2024 and her statement was recorded by the concerned Investigating Officer of the case.

8. It is also seen from the case diary that the Investigating Officer of said CID P.S. Case No. 01/2024 on 12.07.2024 allowed to go her on liberty and directed her to co-operate with the investigation of the case.

9. The case diary produced before the Court recorded upto 16.09.2024 did not indicate that the petitioner violated any of the terms and conditions specified by the Court in the order dated 11.07.2024 while granting interim pre-arrest bail to the petitioner.

10. Further, the note of the concerned Investigating Officer upto 16.09.2024 also does not disclose that the petitioner did not co-operate with the investigation of the case.

11. Considering such materials in the case diary, the Court is of the view that custodial detention of the petitioner is not warranted for investigation of said CID P.S. Case No. 01/2024.

12. Accordingly, the interim pre-arrest bail granted to the petitioner on 11.07.2024 in said CID P.S. Case No. 01/2024 registered under Section 25 (1-A) of the Arms Act, 1959, is hereby made absolute on condition that she shall comply with the terms and conditions specified in the order dated 11.07.2024.

13. It is also made clear that failure on the part of the petitioner to comply with any of the terms and conditions specified in the order dated 11.07.2024 passed by the Court earlier, the pre-arrest bail granted to the petitioner in said CID P.S. Case No. 01/2024 shall stands automatically vacated.

14. This pre-arrest bail application accordingly stands allowed to the extent above.

15. Return the case diary.

JUDGE

Comparing Assistant