

GAHC010145412024



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

Case No. : AB/1901/2024

BISHNU BORAH
S/O LATE BAPUKON BORAH
R/O VILL- NAPAMUA
P.O. HAWAJAN
P.S. GOHPUR, DIST. BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N BORAH, G. R. SINGHA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 01.08.2024

Heard Mr. N. Borah, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for grant of pre-arrest bail to the accused/petitioners, who are apprehending arrest in connection with Gohpur P.S. Case No. 78/2024, under Sections 376/511/294/354/427/323/506/509 of the Indian Penal Code.

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

It is submitted by Mr. N. Borah, learned counsel for the petitioner, that the present accused/petitioner is innocent and he has not committed any such offence as alleged in the F.I.R. But the wife of the present petitioner had a doubt on him with the complainant and in that pretext, they used to quarrel with each other on many occasion. Thereafter, the complainant lodged the F.I.R. against the present petitioner, who happened to be the husband of the sister-in-law of the victim/complainant, with some false and concocted allegation. However, the present accused/petitioner is ready and willing to co-operate with the I.O. in the further investigation of this case if he is granted with the privilege of pre-arrest bail.

In this context, Mr. Borthakur, learned Additional Public Prosecutor, has submitted that though the victim/complainant has incriminated the present accused/petitioner in her statement recorded under Section 164 Cr.P.C., but there is no statement of other witnesses to support the case of the prosecution. However, at this stage, it cannot be said as to whether there was any relationship of victim with the accused/petitioner. Further the learned Additional Public Prosecutor has submitted that there may be delay in lodging the F.I.R. as the accused and the victim are from the same family and the accused is the husband of the sister-in-law of the victim.

After hearing the submissions made by the learned counsels for both sides and also considering the materials available in the Case Diary and the nature of offence, I find that the custodial interrogation of the present accused/petitioner may not be required for the interest of the investigation and hence, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner.

Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Shri Bishnu Borah, in connection with Gohpur P.S. Case No. 78/2024, under Sections 376/511/ 294/354/427/323/506/509 of the Indian Penal Code, he shall be enlarged on pre-arrest bail on his executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case; and
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The anticipatory bail application stands disposed of in terms above.

The Case Diary be sent back.

JUDGE

Comparing Assistant