

GAHC010156062023



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

Case No. : AB/2511/2023

SANJIT KR DAS
S/O SANU RAM DAS
R/O VILL- BOLBALA, P.S. AGIYA
IN THE GOALPARA DISTRICT OF ASSAM

VERSUS

THE STATE OF ASSAM ,TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 04-01-2024

Heard Mr. S. Nawaz, learned counsel for the applicant and also heard Mr. R. J. Barua, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Abhayapuri P.S. Case No. 256/2023 under Sections 417/376 IPC, this application under Section 438 Cr. P. C. is preferred by applicant, namely, Sanjit Kr. Das, for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Smt

'X'(name withheld) on 3.6.2023.

The essence of allegation made in the FIR, dated 3.6.2023 is that there was relationship between the informant and the applicant and promising to marry the informant, the applicant has established physical relation with her, as a result of which, she became pregnant, and on 22.12.2022, the applicant had taken the victim to Guwahati and put her vermilion over her forehead at Kamakhya Temple and thereafter, kept her in a rented house at Beltola and thereafter, he terminated her pregnancy, which she was carrying by administering medicine and thereafter, he left Beltola and also stopped all connection with her.

Mr. Nawaz, learned counsel for the applicant, submits that this Court was pleased to extend the privilege of interim pre-arrest bail to the applicant, vide order dated 24.07.2023, and pursuant to said order, the applicant had appeared before the I.O, and he has been extending cooperation with the investigating agency and that the applicant is innocent and no way involved with the offence alleged in the FIR and therefore, it is contended to make the interim order, dated 24.07.2023, absolute, in the same terms and condition.

Whereas, Mr. R.J. Barua, learned Addl. P.P. submits that the applicant had appeared before the I.O., pursuant to order dated 24.07.2023, but his statement is not available in the case diary. However, Mr. Barua submits that I.O. has examined several witnesses herein this case.

Having heard the submission of learned Advocates of both sides, I have carefully perused the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P.

In view of the progress of investigation and also in view of the cooperation being extended by the applicant to the investigating agency, his custodial interrogation seems to be not warranted herein this case. And therefore, this Court is inclined to make the interim order dated 24.07.2023, absolute in same terms and condition.

In terms of the above this A.B stands disposed of.
Case diary be returned.

JUDGE

Comparing Assistant