

GAHC010163122024



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

Case No. : I.A.(CrI.)/752/2024

SANTOSH KUMAR CHOUDHURY
S/O SRI SHIV KUMAR CHOUDHURY, R/O VILL- RAJADWAR, NORTH
GUWAHATI-781030, P.S.-CHANGSARI, DIST- KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY LD SPL PP CM SPECIAL VIGILANCE CEEL

Advocate for the Petitioner : ABHISEK BHATTACHARJEE, MR. A BHATTACHARYA, MR. A BHATTACHARJEE, MR S PAUL, MS ANKITA SAHARIA, MS. K MALAKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 16.09.2024

1. Heard Mr. A. Bhattacharya, learned counsel for the applicant. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State of Assam.
2. This interlocutory application has been filed by the petitioner Sri. Santosh Kumar Choudhury in connection with AB Case No.1012/2024. Seeking certain modifications in the said order of condition No.ii mentioned in the said order.

3. Learned counsel for the petitioner has submitted that the petitioner was allowed to go on anticipatory bail by this Court by an order dated 20.04.2024 passed in AB Case No. 1012/2024 with certain conditions and the condition No.ii mentioned in the said order was the petitioner shall not leave the jurisdiction of the State of Assam without the prior leave of the Investigating Officer.
4. Learned counsel for the petitioner has submitted that the petitioner is a permanent resident of Begusarai District of the State of Bihar and his father who is a resident of the said place has suffering from several ailments and has fallen ill. Therefore, the petitioner is required to go to the said place to meet his father.
5. The learned counsel for the petitioner has submitted that in this respect in pursuant to the petitioner had filed an application on 19.06.2024 before the Investigating Officer, however, the said application has been rejected by the Investigating Officer on the ground that the investigation of the case is at a very crucial stage.
6. The learned counsel for the petitioner has submitted that thereafter also the petitioner has appeared before the Investigating Officer and has co-operate in the investigation.
7. The learned counsel for the petitioner has also submitted that the condition No.ii attached to the bail order, which was granted in favor of the petitioner may be modified to the extent that the instant of seeking leave to the Investigating Officer the petitioner may be allowed to seek leave by learned Special Judge, Assam before leaving the jurisdiction of the State of Assam.
8. I have considered the submissions made by learned counsel for both the sides, it appears that the prayer made by the petitioner to leave the State of Assam was rejected by the Investigating Officer in the month of June. Now we

are in the month of September.

9. The petitioner is required to continuously co-operate with the Investigating Officer in the investigation, which the petitioner is undertaking to do.

10. After considering the facts and circumstances, I have also gone through the documents submitted by the petitioner in support of his contention with his father is suffering from several ailments.

11. Considering the ailments of the father and the facts and circumstances of this case, this Court is of the considered opinion that the condition No.ii attached to the said order dated 20.04.2024 passed in AB Case No.1012/2024 is required to be modified.

12. Hence, the same is modified as hereunder “ the petitioner shall not leave the jurisdiction of State of Assam without prior leave of the learned Special Judge, Assam” and if such again is granted by learned Special Judge, the information of the same has also be given to the Investigating Officer of the case and the petitioner shall continue to co-operate with the Investigating Officer.

13. With above observations, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant