

GAHC010169522024



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

Case No. : AB/2225/2024

JATIN KALITA
S/O LATE DURGESWAR KALITA
R/O SEWALI NAGAR, PULIBOR
P.O. RRL JORHAT, P.S. PULIBOR,
DIST. JORHAT, ASSAM
PIN-785006
PH. NO. 9954981757

VERSUS

THE CENTRAL BUREAU OF INVESTIGATION (CBI)
REPRESENTED BY SPL. PP, CBI

Advocate for the Petitioner : MR. B D KONWAR SR. ADV., MS S JAIN, MR P DOLEY, MR J SINGH, MRS J M KONWAR

Advocate for the Respondent : SPL. PP, C.B.I.,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 30.09.2024

Heard Mr. B.D. Konwar, learned Senior counsel assisted by Mrs. R. Begum, learned counsel for the petitioner. Also heard Mr. M. Haloi,

learned Standing counsel, CBI.

By this petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner, namely, **Jatin Kalita**, has prayed for granting pre-arrest bail, apprehending arrest in connection with CBI/ACB/GHY P.S. Case No. RC0172024A0004 under Section 61(2) BNSS Act, 2023 7/7A/8/9/10/12/13(2) r/w Section 13(1)(a) of P.C. Act, 1988 (as amended in 2018) r/w 61(2) of BNS Act, 2023.

Mr. Konwar, learned Senior counsel for the petitioner submits that the petitioner has appeared before the Investigating Police Officer as per direction of this Court and his statement has already been recorded after he was granted interim protection. He has not misused the liberty granted to him; rather, he co-operates with the investigation of the case. Therefore, the privilege of pre-arrest bail granted to the petitioner may be made absolute.

Mr. Haloi, learned Standing counsel, CBI submits that the petitioner may appear before the investigating officer as and when called for. It is also submitted that the statement of petitioner has already been recorded by the investigating officer. However, the learned Standing counsel, CBI has raised objection in granting bail to the petitioner by stating that if the privilege of pre-arrest bail is extended to the petitioner, he may not co-operate in further investigation of the case.

I have considered the submission made by the learned counsel for the parties and also perused the case diary.

It appears that the petitioner has not misused the liberty granted to him while availing interim protection. It is directed to the petitioner

to appear before the investigating officer as and when called for.

Considering all, this Court is of the view that the petitioner deserves to be granted the privilege of pre-arrest bail.

Accordingly, the interim protection granted to the petitioner vide order dated 09.09.2024, is made absolute on the same terms and conditions, as reflected.

The learned Standing counsel, CBI shall apprise this Court to cancel the bail order, if required.

The petition stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant