

GAHC010174752023



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

Case No. : AB/2798/2023

JAY CHOUHAN AND 2 ORS
S/O- LATE RAM LAL CHOUHAN, RESIDENT OF ABHAYAPURI W/NO.9, P.S.
ABHAYAPURI, DIST.- BONGAIGAON, ASSAM

2: ANJANA CHOUHAN
W/O- LATE RAM LAL CHOUHAN
RESIDENT OF ABHAYAPURI W/NO.9
P.S. ABHAYAPURI
DIST.- BONGAIGAON
ASSAM

3: SARADA DAS @ PUJA CHOUHAN
W/O- JAY CHOUHAN
RESIDENT OF ABHAYAPURI W/NO.9
P.S. ABHAYAPURI
DIST.- BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

15.02.2024

Heard Mr. A. Buragohain, learned counsel for the applicants and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 438 of the Code of Criminal Procedure, is preferred by applicants namely, **Jay Chouhan; Anjana Chouhan; and Sarada Das @ Puja Chouhan**, who have been apprehending arrest in connection with **Abhayapuri P.S. Case No. 338/2023**, under Sections 341/323/294/354/379 of the IPC, for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by one Jaymati Nath, on 01.08.2023. The essence of allegations made in the FIR is that on 31.07.2023, at about 7 pm, while the informant was returning home after purchasing some grocery items, then on the way, the accused No. 1 along with other accused obstructed her without any reason and assaulted her and caused injuries over her body and also tried to kill her.

4. Mr. Buragohain, learned counsel for the applicants submits that this Court was pleased to grant interim protection to the applicants, vide order dated 11.08.2023, and pursuant to the said order, the applicants had appeared before the IO and have been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 11.08.2023, absolute in the same terms and conditions.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor submits that he has not received the case diary, but he has the instruction that the I.O. has already completed investigation and laid Charge Sheet against the

applicants, under Sections 341/323/294/354/379 of the IPC, vide Charge Sheet No. 303/2023, dated 27.08.2023.

6. In view of above, this Court is inclined to allow this application by directing the applicants to appear before the learned court below on or before **01.03.2024**, and to apply for regular bail and in event of filing such an application, the learned Court below shall consider the same in accordance with law.

7. Till then, the interim order dated 11.08.2023, stands extended.

Comparing Assistant

JUDGE