

GAHC010181922024



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

Case No. : AB/2349/2024

BHUPEN GOGOI
S/O BHOLANATH GOGOI
R/O KAHILIPARA,
P.S. DISPUR, GUWAHATI-19, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN, MR. A BURAGOHAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 06-09-2024

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam appearing for the State respondent.

The present application is instituted praying for grant of pre-arrest bail by the petitioner namely, Bhupen Gogoi, in connection with Geetanagar P.S. Case No.164/2024 under Sections 420/406/376 IPC.

I have perused the First Information Report(FIR) dated 13.08.2024, which had led to institution of above noted case against the petitioner herein. On perusal of the same along with the FIR filed by the petitioner herein against the informant in Geetanagar P.S. Case No.164/2024, which was registered as Dispur P.S. Case No. 382/2024 under Sections 356/379/387/34 IPC, I am of the considered view that given the nature of allegation so levelled both by the petitioner and against the petitioner, the same would not require custodial interrogation of the petitioner herein. The prayer of the informant for recovery of the money so stated to have been taken from her by the petitioner is also an issue involved in the FIR lodged by the petitioner herein leading to registration of Dispur P.S. Case No. 382/2024.

In view of the above position, this Court is of the view that further custodial interrogation of the petitioner may not be called for in the matter and accordingly, in the event of arrest of the petitioner in connection with Geetanagar P.S. Case No.164/2024 under Sections 420/406/376 IPC, the petitioner named above be released on bail on furnishing a bail bond of Rs.30,000/- with a suitable surety of the like amount to the satisfaction of the Arresting Authority subject to the following conditions:-

i. The petitioner shall appear before the I/O within a period of 7 (seven) days from today and have his statement recorded thereafter, the petitioner shall continue to appear before the I/O as and when called for the purpose of investigation.

ii 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 them from disclosing such facts to the Court or any other police officer, and

With the above observation, the Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant