

GAHC010216922023



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

Case No. : AB 3062/2023

MUNENDRA KUMAR
S/O PRITAM SINGH
R/O NARENGI CONTENTMENT
P.S. SATGAON
DIST. KAMRUP (M)
ASSAM
GUWAHATI-781027
CONTACT NO. 94351-47853

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. A R MEDHI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case : AB/3104/2023

CHAUDHARI RAMESH KUMAR VELA BHAI @ CRV BHAI
S/O CHAUDHARI VELLA BHAI R/O ARMY NARANGI CANNT PH 2 QUARTER
NO. 37 UNIT 952YPT COY ASC P.S SATGAON GUWAHATI 37 DIST. KAMRUP
(M) ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. D BORA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 25.04.2024

Heard the learned counsel for the parties.

By this application under section 438 Cr.P.C the petitioners namely, Munendra Kumar and Chaudhari Ramesh Kumar Vela Bhai @ CRV Bhai @ Ramesh have prayed for pre arrest bail in connection with Satgaon PS Case No.158/2023 under sections 376/511/34 IPC corresponding to GR Case No.6270/2023.

This court under its order(s) dated 08.09.2023 and 13.09.2023 granted interim protection to the petitioners and accordingly the petitioners appeared before the Investigating Officer and recorded their statements.

In the meantime the statement of the victim under sections 161 & 164 Cr.P.C was recorded and she was medically examined. The fetus she was carrying was terminated and blood sample of the petitioners have been collected and the fetus has been preserved for further examination.

It is submitted by the learned Addl. PP that the aforesaid fetus and blood samples have been sent for DNA matching and the investigating officer is awaiting for such report and after receipt of such report, charge sheet could be filed inasmuch as the investigations has already been

completed.

This court has also perused the case diary produced and the materials available on record.

This court after perusal of the materials as discussed herein above and also considering the stage of investigation is of the opinion that custodial interrogation of the petitioners at this stage is not required inasmuch as during the investigation the petitioners had cooperated in the investigation and got their statements recorded.

Though Mr. A.R. Bhuyan learned counsel submits that the petitioners have threatened the victim as well as the husband and an FIR has already been lodged, however, nothing is disclosed from the case diary suggesting any threat issued by the accused.

In the meantime, the petitioner and the husband of the informant were transferred out and both were posted outside Guwahati. Considering the matter in its entirety, this court is of the view that the present petitions deserves to be allowed.

Accordingly the order(s) dated 08.09.2023 and 13.09.2023 granting interim bail to the petitioners are made absolute subject to further condition that the petitioners will not try to contact the informant or the victim by any means including telephone, social media etc.

The bail applications stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant