

GAHC010222712023



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

Case No. : AB/3385/2023

MUNINDRA BARUA @ ANKU
S/O R. KUMAR BARUA,
R/O UPAHUPARA, P.O. AND P.S.- MANGALDAI, DIST.- DARRANG, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 04.04.2024

Heard Mr. D. Gogoi, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal

Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Mangaldai P.S. Case No. 410/2023, under Sections 294/ 326/427/34 of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. D. Gogoi, learned counsel for the petitioner, that the accused/petitioner, after obtaining the order of interim pre-arrest bail on 29.09.2023, has already appeared before the I.O. and co-operated in the investigation of the case. He is still ready and willing to co-operate the I.O. if his further co-operation is needed by the I.O.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that the accused/petitioner has already co-operated the I.O. in the investigation of the case and from the injury report, it is seen that the nature of injury sustained by the victim is simple in nature. In view of this, he raised no objection in granting the privilege of pre-arrest bail to the present accused/petitioner.

After hearing the submissions made by the learned counsels of both sides and also considering the entire aspects of the case as well as the injury sustained by the victim, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioner vide order dated 29.09.2023, is hereby made absolute in the same terms and conditions.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant