

GAHC010233642023



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

Case No. : AB/3504/2023

SOUNDARYYA YOGI @ MOUSAM NATH
S/O LATE BHAIRAB NATH
R/O EVJYOTI ENCLAVE, FLAT NO.,
MILIJULI PATH, NAMGHAR PATH,
P.S. DISPUR,
GUWAHATI-22, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE LD. PP, ASSAM

Advocate for the Petitioner : MR. S KAKATI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

25.01.2024

Heard Mr. S. Kakati, learned counsel for the petitioner. Also heard Mr. K.K. Das, learned Addl. P.P, Assam.

This is an application under Section 438 Cr.PC for granting pre-arrest bail to the petitioner namely, Soundaryya Yogi @ Mousam Nath in connection with Tinsukia Police Station Case No. 573/2023 under Sections 385/306/34 of IPC.

The Case Diary as called for is placed before this Court.

It may be mentioned by Order dated 11.10.2023, this Court granted the privilege of interim pre-arrest bail to the petitioner subject to the conditions.

Mr. K.K. Das, learned Addl. P.P submits that the Case Diary shows that the petitioner appeared before the Investigating Officer and got his statement recorded under Section 161 Cr.PC as per the interim pre-arrest bail granted earlier.

I have heard the submissions made at the bar and I have also perused the materials available on record.

It appears from the statement of the informant (deceased wife) that the deceased has given a sum of Rs. 70 Lakhs to the petitioner upon being induced by the petitioner to grant him a license for running Wine Shop.

It appears that the investigation is going on and the statements of both the informant and the accused person have been recorded.

In view of the above, this Court finds that custodial interrogation of the petitioner may not be required in the interest of the on-going investigation into the case.

Accordingly, the interim pre-arrest bail granted in the Order dated 11.10.2023 is hereby made absolute, subject to the following conditions:-

- (i) That the petitioner shall cooperate in investigation as and when required; and
- (ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to the any Police Officer.

Accordingly, the application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant