

GAHC010236382023



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

Case No. : AB/3549/2023

RAJIB BORA
S/O LATE DOGADHAR BORA
R/O BARKHELIA GAON,
BORKHALIA GAON, P.O. BARKHELIA GAON, P.S. TEOK,
DIST. JORHAT, ASSAM
PIN-785101

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : DR. J. D. KHAUND

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 28.02.2024

Heard Ms. J. K. Khaund, 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 Teok P.S. Case No. 130/2023, under Sections 341/325/307 of the Indian Penal Code.

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

It is submitted by Ms. Khaund, learned counsel for the petitioner, that after obtaining the interim pre-arrest bail, the accused/petitioner has already appeared before the I.O. and his statement is also recorded under Section 161 Cr.P.C. He is still ready and willing to cooperate with the I.O. in the further investigation of the case if he is granted with the privilege of pre-arrest bail.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that there are sufficient incriminating materials against the present petitioner in the Case Diary. Some of the witnesses also saw the incident and named the present accused/petitioner. From the injury report, which is available in the Case Diary, it shows that the victim sustained grievous injury due to assault by the accused/ petitioner. However, the accused/petitioner appeared before the I.O. and cooperated in the investigation of the case.

After considering the submissions made by the learned counsels of both sides and also considering the nature of offence, I am of the view that custodial interrogation of the accused/ petitioner is not necessary in the interest of investigation and hence, 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 13.10.2023, is hereby made absolute with a direction to the petitioner to cooperate in the further investigation of the case.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant