

GAHC010241802023



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

Case No. : AB/3611/2023

SANJAY SOREN AND 2 ORS.
S/O FAGU SOREN R/O VILL. NAYAGAON SHRIRAMPUR P.S. GOSSAIGAON
DIST. KOKRAJHAR ASSAM

2: GOBIN MARDI
S/O JANATHAN MARDI R/O RESTEKPUR 49 P.S. GOSSAIGAON DIST.
KOKRAJHAR ASSAM

3: PHILLIMON SOREN
S/O FAGU SOREN R/O VILL. NAYAGAON SHRIRAMPUR P.S. GOSSAIGAON
KOKRAJHAR ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

01.02.2024

Heard Mr. Sarfraz Nawaz, learned counsel for the petitioners and Mr. K.K.

Das, learned Addl. P.P, Assam.

This is an application under Section 438 of Cr.PC, 1973 praying for grant of bail to the petitioners, namely Sanjay Soren and Gobin Mardi and Phillimon Soren, who are apprehending arrest in connection with Gossaigaon P.S Case No. 173/2023 registered under Sections 120(B) /341 /376 /511 /325 /354/ 509/384/506 of IPC.

The brief case of the prosecution is that the informant filed an FIR on 16.04.2023 alleging inter alia that on 15.04.2023, she accepted a ride from her acquaintance Madan Murmu and the said person halted the bike near the north side of the Harafuta charge and thereafter fled from the scene. Subsequently, accused Ramsan Hashda and Bharat Mardi approached from behind and forcibly took her to the nearby jungle, wherein along with 7 to 8 boys physically assaulted her and committed rape.

Mr. Sarfraz Nawaz, learned counsel for the petitioners submits that the accused/petitioners are not named in the FIR. He further submits that they are residents of the locality.

Mr. K.K. Das, learned Addl. P.P fairly submits on the basis of the materials available in the Case Diary and particularly by referring to the statements recorded by the Investigating Officer that there are no adverse materials against the accused/petitioners. He further submits that in terms of the interim Order dated 19.10.2023, the accused/petitioners have already appeared before the Investigating Officer and has got their statements recorded under Section 161 Cr.PC as per the interim order granted earlier.

Considering that there are no adverse reports against the accused/petitioners from the Investigating Officer, this Court finds that custodial interrogation of the petitioners may not be required in the interest of the on-going investigation into the case.

Accordingly, the interim pre-arrest bail granted earlier by Order dated 19.10.2023 is hereby made absolute, subject to the following conditions:-

- (i) That the petitioners shall cooperate in the investigation.
- (ii) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts to the Court or to any Police Officer.
- (iii) That the petitioner shall not leave the jurisdiction of jurisdictional Court without prior written permission.

The anticipatory bail application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant