

GAHC010243632023



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

Case No. : AB/3687/2023

JYOTI SAIKIA
S/P SRI GOBIN SAIKIA,
R/O GOGAMUKH RAILWAY COLONY, P.S.- GOGAMUKH, DIST.- DHEMAJI,
ASSAM,

VERSUS

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

Advocate for the Petitioner : MR. B HALDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 30-01-2024

Heard Mr. B. Halda, learned counsel for the applicant and also heard Mr. B. B. Gogoi, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Dispur P.S. Case No. 1804/2023, under Section 498(A) IPC, this application under Section 438 Cr. P. C. is preferred by applicant, namely, Sri Jyoti Saikia for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Sewali Nandi Saikia on 14.9.2023.

The essence of allegation made in the FIR dated 14.9.2023, is that she got married to one Jyoti Saikia

of Gogamukh, Dhemaji and they were blessed with two girls and after the marriage her husband subjected her to both physical and mental cruelty .

Learned counsel for the applicant submits that this Court was pleased to extend interim protection to the applicant, vide order dated 19.10.2023, and pursuant to said order, the applicant had appeared before the I.O and he has been extending cooperation with the investigating agency, and therefore, it is contended to make the interim order dated 19.10.2023, absolute in the same terms and conditions.

On the other hand, Mr. B.B.Gogoi, learned Addl. P.P. has produced the case diary before this Court and submits that the applicant had appeared before the I.O. and his statement has already been recorded.

Mr. Gogoi, learned Addl. P.P. submits that material part of the investigation is almost over.

Having heard the submission of learned Advocates of both sides, I have carefully perused the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Gogoi, learned Addl. P.P.

It appears that pursuant to order of this Court dated 19.10.2023, the applicant had appeared before the I.O. and cooperating with the investigating agency. Further, it appears from the case diary that investigating officer has achieved substantial progress in the investigation of the matter. And in that view of the matter, custodial interrogation of the applicant seems to be not warranted herein this case, and accordingly, interim order dated 19.10.2023, is hereby made absolute in the same terms and conditions.

Case diary be returned.

JUDGE

Comparing Assistant