

GAHC010251462023



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

Case No. : AB/3755/2023

NIPJYOTI PATGIRI
S/O SHIBENDRA NATH PATGIRI
R/O GANDHI NAGAR,
BARPETA,
P.S. BARPETA,
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MRS M BARMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

22.01.2024

Heard Mrs. M. Barman, learned counsel for the applicant and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Jalukbari PS Case No. 611/2023**, under Sections 417/419/406 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely,

Nipjyoti Patgiri for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by Smti 'X' [name withheld], on 18.10.2023. The essence of allegations made in the FIR is that the applicant impersonating himself as I.T. Engineer and by proposing to marry the informant, developed love affairs with her and established physical relation with her and thereafter, she came to know that he is one Nipjyoti Patgiri and he is a married person and he had cheated many others.

4. Mrs. Barman, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 20.11.2023, and pursuant to the said order, the applicant had appeared before the IO and has been cooperating with the investigating agency and that the custodial interrogation of the applicant may not be required in the interest of investigation and therefore, it is contended to make the interim order dated 20.11.2023, absolute in the same terms and conditions.

5. On the other Mr. Barua, learned Additional Public Prosecutor by producing the case diary before this court, submits that the IO has collected sufficient incriminating materials against the applicant and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. Considering the submissions of learned counsel for both the parties and also considering the fact that the applicant has been cooperating with the investigating agency and further considering the materials collected so far in the case diary, this Court is inclined to make the interim order dated **20.11.2023**,

absolute in the same terms and condition.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

Comparing Assistant

JUDGE