

GAHC010252122023



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

Case No. : AB/3848/2023

PRAFULLA PATOR AND ANR
S/O LATE LAMBAR PATOR
R/O VILL- GAGRA
P.O. BELTO, P.S. JAGIROAD
DIST. MORIGAON, ASSAM,
PIN-782001

2: SRI ANANTA PATOR
S/O LATE PHANIRAM PATOR
R/O VILL-GAGRA
P.O. BELTO
P.S. JAGIROAD

DIST. MORIGAON
ASSAM
PIN-78200

VERSUS

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

Advocate for the Petitioner : MR D K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

22.01.2024

Heard Mr. D.K. Das, learned counsel appearing for the petitioners. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973 for granting anticipatory bail to the petitioners, namely **1) Prafulla Pator and 2) Ananta Pator** in connection with **Jagiroad P.S. Case No.181/ 2023** under Sections **302/34** of the IPC.

3. The case diary as called for is placed before the Court.

4. It may be mentioned that by order, dated 16.11.2023, this Court granted the privilege of interim pre-arrest bail to the petitioners subject to conditions.

5. Mr. P. Borthakur, learned Addl. Public Prosecutor, submits that the case diary shows that the petitioners appeared before the investigating officer and got their statements recorded under Section 161 Cr.P.C. in terms of the interim pre-arrest bail granted earlier. He further submits that one of the co-accused persons has named the present petitioner.

6. I have considered the submissions made at the bar and perused the materials available on record including the case diary. It appears that the investigation has substantially progressed and statements of the petitioners have already been recorded. This Court finds that further custodial interrogation of the petitioners may not be necessary.

7. Accordingly, the interim pre-arrest bail granted vide order, dated 16.11.2023 is hereby made absolute, subject to the following conditions-

- (i) That the petitioners shall co-operate in investigation as and when

required; and

- (ii) That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

- 8. Return the case diary.
- 9. This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant