

GAHC010253732023



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

**Case No. : AB/3832/2023**

GANESH SARKAR @ GANESH DAS  
S/O SRI MANTU SARKAR  
R/O KALIMANDIR PATH, DHIRENPARA  
P.S. FATASIL AMBARI,  
GUWAHATI-25, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR S DAS**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 02.04.2024**

Heard Mr. S. Das, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondents.

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, namely Ganesh Sarkar @ Ganesh Das who is apprehending arrest in connection with Fatasil Ambari P.S. Case No.266/2023 under Sections

294/325/326/34 IPC (GR No.8214/23) IPC.

Case diary is received. Perused the same.

It is submitted by the learned Additional Public Prosecutor that the updated case diary was called for. However, the case diary seems to be not updated.

However, from the note of the I/O as well as the materials available in the case diary, it is seen that the accused petitioner has already been appeared before the I/O after obtaining interim pre-arrest bail and his statement is recorded under Section 161 Cr.P.C. and one bail bond is also available in the case diary.

In this connection, the learned counsel for the petitioner has submitted that the present petitioner is innocent and he was witnessing the incident which had happened after an altercation between the informant and the other co-accused person for a parking of a vehicle. Further he is still ready to cooperate with the Investigating Officer for further investigation of the case if he is granted the privilege of pre-arrest bail.

Considering the submission made by the learned counsel for the parties and also considering the materials available in the case diary, I find that custodial interrogation of the present accrued petitioner may not be necessary. Hence, I find it a fit case to grant the privilege of interim pre-arrest bail to the petitioner.

Accordingly, the interim pre-arrest bail order dated 28.11.2023 is hereby made absolute with the same terms and conditions.

With the above observation, the anticipatory bail application stands disposed of.

Return the case diary.

**JUDGE**

**Comparing Assistant**