

GAHC010256202023



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

Case No. : AB/3882/2023

SUNIL CHANDRA PANDIT AND ANR
S/OLT. SUDHIR CHANDRA PANDIT
R/O PUSPAKPUR, WARD NO. 10, NALBARI TOWN,
P.O. MILANPUR, P.S. NALBARI,
DIST. NALBARI, ASSAM

2: SUBHAM PANDIT
S/O SUNIL CHANDR APANDIT

R/O PUSPAKPUR
WARD NO. 10
NALBARI TOWN
P.O. MILANPUR
P.S. NALBARI
DIST. NALBARI
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M RAHMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

29.01.2024

Heard Mr. S. Ullah, learned counsel for the petitioners. Also heard Mr. K.K. Parashar, learned Addl. P.P, appearing for the State of Assam.

This is an application under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in respect of the accused / petitioner, namely, (i) Sunil Chandra Pandit and (ii) Subham Pandit who are apprehending arrest in connection with Nalbari P.S. Case No. 456/2023 registered under Sections 143/447/354 A/307/427/509 of the IPC.

The Case Diary as called for is placed before this Court. It may be mentioned that vide order dated 18.11.2023, this Court granted the privilege of interim pre-arrest bail to the petitioners subject to conditions.

Mr. Parashar, the learned Addl. Public Prosecutor, Assam submits that the Case Diary shows that the petitioners appeared before the Investigating Officers and got their statement recorded under Section 161 of the Cr.P.C. as per the interim order granted earlier.

It appears from the materials available on record specially the injury report that the informant husband has sustained injury in his nose. It also appears that the investigation has progressed substantially. This Court finds that further custodial interrogation of the petitioners may not be required in the

interest of the ongoing investigation into the case. Accordingly, the interim pre-arrest bail granted with the order dated 18.11.2023 is hereby made absolute subject to the following conditions.

(i) That the petitioner shall cooperate with the investigation as and when required.

(ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to the any Police Officer;

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant