

GAHC010258522023



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

Case No. : AB/3885/2023

UMESH KUSHWAHA AND ANR
S/O RAJARAM KUSHWAHA
P.S. JALALPUR SANA
DIST. KOUSHAMBI (UTTAR PRADESH)

2: BASUDEV DHAR
S/O RATAN DHAR
R/O MARANADIR KUTHI
P.O. MARANADIR KUTHI
DIST. COOCH BEHA

VERSUS

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

Advocate for the Petitioner : MR. S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

03.05.2024

Heard learned counsel for the parties.

This is an application filed under Section 438 Cr.P.C. praying for granting pre-

arrest bail to the petitioners, namely, 1. Umesh Kushwaha and 2. Basudev Dhar in connection with Guwahati GRPS case No. 191/2023 under Section 325/307/420/506/294/34 IPC.

Case diary produced by the learned Additional Public Prosecution is perused.

This court granted interim protection to the petitioners on 17.11.2023. The petitioner No. 2, Basudev Dhar appeared before the Investigating Officer and co-operated with the investigation.

Considering the material so far collected, stage of investigation, this court is of the view that custodial detention of the petitioner No. 2 may not be necessary for further investigation inasmuch as the petitioner No. 2, Basudev Dhar has co-operated with the investigation. Accordingly, the interim protection granted to the petitioner No. 2, Basudev Dhar vide order dated 17.11.2023 is hereby made absolute on the same terms and conditions.

However, in spite of this court's interim protection, the petitioner No.1, Umesh Kushwaha has not appeared before the Investigating Officer and has not co-operated with the investigation.

Considering above, the interim order granted to the petitioner No. 1, Umesh Kushwaha vide order dated 17.11.2023 stands vacated.

Bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant