

GAHC010259562023



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

Case No. : AB/3928/2023

JIBAN MEDHI
S/O KHARGESWAR MEDHI
R/O VILL- TETELIGURI, P.O. GANDHI NAGAR,
P.S. SONAPUR,
PIN-782403
DIST. KAMRUP (M), ASSAM
PHONE - 9864383578

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 05.01.2024

Heard Mr. A. Baruah, learned counsel for the petitioner. Also heard Mr. P. S. Lahkar, learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner has submitted that the petitioner was allowed to go on interim anticipatory bail by this Court by order dated 21.11.2023

and in pursuant to the directions of this Court, the petitioner has appeared before the Investigating Officer and has cooperated in the investigation.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Jagiroad P.S. Case No. 300/2023 and has submitted that though the petitioner has appeared before the Investigating Officer and his statement under Section 161 of the Code of Criminal Procedure has been recorded, however, it appears from the endorsement of the Investigating Officer in the case diary that the petitioner is not cooperating in the investigation as has not disclosed the true facts to the petitioner and his further interrogation is necessary for fair completion of the investigation.

I have considered the submissions made by learned counsel for both sides and have perused the materials on record including the case dairy of Jagiroad P.S. Case No. 300/2023.

It appears that the statement of the petitioner has already been recorded under Section 161 of the Code of Criminal Procedure. It also appears that the co-accused has implicated the present petitioner regarding his involvement in the offence alleged in the FIR, hence, further interrogation may be necessary. However, as the petitioner has cooperated in the investigation and has appeared before the Investigating Officer in pursuant to the directions of this Court, his custodial interrogation may not be necessary, if he otherwise appears before the Investigating Officer and cooperate in the investigation.

In view of the above, the interim bail granted to the petitioner by order dated 21.11.2023 is hereby made absolute with an observation that the petitioner shall appear before the Investigating Officer every week for next four weeks or till the investigation is completed whichever is earlier and he shall appear before the Investigating Officer as and when so required for the sake of fair completion of the

investigation of this case. In addition to the above condition, the condition Nos. 2 and 3 attached to the interim anticipatory bail order shall also remain intact.

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

JUDGE

Comparing Assistant