

GAHC010262802023



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

Case No. : AB/3963/2023

DEBA KAKOTY
S/O LT HARI CHARAN KAKOTY R/O DEMOW SANTIPUR P.O. AND P.S.
DEMOW DIST. SIVASAGAR ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY
ORDER

26.02.2024

1. Heard Mr. B. K. Mahajan, the learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State of Assam.
2. By this application under Section 438 Cr.P.C., the petitioner, namely, **Deba**

Kakoty is seeking pre-arrest bail in connection with Demow Police Station Case No. 60/2023 registered under Sections 387/306/34 of IPC. Earlier also the petitioner approached this court and this court under its order dated 19.10.2023 passed in AB 3513/2023 rejected the prayer of the petitioner for grant of anticipatory bail. Subsequently, the present bail application is filed.

3. While considering the second bail application, this court vide order dated 22.12.2023 had granted interim protection to the petitioner and called for the case diary.
4. The case diary as called for has been received. Perused the same.
5. The investigation has substantially progressed. Case diary reveals that the petitioner has appeared before the Investigating Officer after the interim protection was granted by this Court under its order dated 22.12.2023 and recorded his statement and co-operated with the investigation.
6. Considering the material so far collected, stage of investigation and considering the fact that the petitioner had appeared before the Investigation Officer and co-operated with the investigation, in the considered opinion of this court, no custodial interrogation of the petitioner shall be required at this stage. This court has also considered that the material so far collected reveals that the victim committed suicide on 03.10.2023, the petitioner inspected the school on 27.06.2023 and show cause notice was issued to the deceased on 07.07.2023. Such material suggests that there is no proximity between issuance of show

cause and the cause of death.

7. Therefore, in the totality of the matter, the interim protection granted under order dated 22.12.2023 is made absolute with the same terms and conditions.
8. Accordingly, this bail application stands disposed of.
9. While parting with the record, it is made clear that the observation made hereinabove is only for the purpose of consideration of the bail and same shall not influence the investigation or the trial in the event of any charge-sheet is filed.

JUDGE

Comparing Assistant