

GAHC010262952023



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

Case No. : AB/3998/2023

SANJIB BORO
S/O- BISHNU BORO, R/O- VILL.- GOLIBANDHA, P.S. SARTHEBARI, DIST.
BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N K KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

30.01.2024

Heard Mr. N.K. Kalita, learned counsel for the petitioner. Also heard Ms. A. Begum, learned Addl. Public Prosecutor, 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, Shri Sanjib Boro who is apprehending arrest in connection with Rangia P.S. Case No. 607/2023 registered under Sections 420/376/323 of the IPC. (G.R. Case No. 1193/2023).

The Case Diary as called for is placed before this Court. It may be mentioned that vide order dated 28.11.2023, this Court granted the privilege of interim pre-arrest bail to the petitioner subject to conditions.

Ms. A. Begum, learned Addl. Public Prosecutor, Assam submits that the Case Diary shows that the petitioner appeared before the Investigating Officer and got his statement recorded under Section 161 of Cr.P.C. as per the interim pre-arrest bail granted earlier. She further submits from the statement of the victim girl recorded under Section 164 of the Cr.P.C. that she admits that they were in love and that he has refused to marry her.

This Court finds that custodial interrogation of the petitioner may not be required in the interest of the ongoing investigation into the case. Accordingly, the interim pre-arrest bail granted vide order dated 28.11.2023 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