

GAHC010263042023



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

Case No. : AB/3946/2023

SIMANTA CHOUDHURY AND ANR
S/O SRI KAMINI CHOUDHURY
R/O CHANDRA CHOUDHURY PATH,
P.S. BHETAPARA, GUWAHATI, DIST. KAMRUP (METRO), ASSAM

2: SRI HABIL AHMED
S/O LATE SUKUR ALI
R/O REGENT PARADISE BLOCK 8TH FLOOR
P.S. HATIGAON

DIST. KAMRUP (METRO)
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A LAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

22.03.2024

Heard Mr. A Lal, learned counsel for the petitioners as well as Mr. R J Baruah, learned Additional Public Prosecutor, Assam.

By this application filed under Section 438 CrPC, the petitioners, namely,

(1) Sri Simanta Choudhury and (2) Sri Habil Ahmed, have prayed for pre-arrest bail in connection with Basistha P.S. Case No. 645/2023 registered under Sections 120(B)/420/468/471/323/506 IPC.

It has been submitted at the bar that in pursuant to the interim order dated 22.11.2023 granted in favour of the petitioners, they have appeared before the Investigating Officer and got their statements recorded.

Since the petitioners have appeared before the Investigating Officer and their statements have been recorded, this Court is of the opinion that the petitioners do not deserve to be detained in custody.

On the other hand, Mr. Baruah has submitted that the Investigating Officer has wanted to interrogate the petitioners again but they have not appeared.

Considering the circumstances of the case, the prayer for pre-arrest bail of the petitioners is allowed. The interim order dated 22.11.2023 passed in favour of the petitioners is made absolute.

However, the petitioners are directed to appear again before the Investigating Officer within next 10 (ten) days.

It is made clear that the petitioners shall cooperate with the investigation as and when so required.

The bail application is disposed of.

JUDGE

Comparing Assistant