

GAHC010270382023



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

Case No. : AB/4045/2023

SUREN CHANDRA MILI
S/O LATE PAKKURAM MILI
R/O PUBERUN PATH,
BYE LANE NO. 2, HOUSE NO. 26, P.O. BARBARI, HENGRABARI,
GUWAHATI-781036, ASSAM

VERSUS

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

Advocate for the Petitioner : MS R NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

18.01.2024

Heard Mr. K. Biswakarma, learned counsel for the applicant and Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Dispur PS Case No. 1886/2023**, under Sections 354/323/352/427 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Suren Chandra Mili** for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by one Ritu Pegu, on 27.09.2023. The essence of allegations made in the FIR is that with the consent of the applicant, the informant was using his APDCL connection and on 27.09.2023, at about 6:30 pm, Suren Chandra Mili had disconnected the connection and while she raised objection, he assaulted her and as a result, she sustained injuries on her person.

4. Mr. Biswakarma, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 01.12.2023, and pursuant to the said order, the applicant had appeared before the IO and he has been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 01.12.2023, absolute in the same terms and conditions.

5. On the other Mr. Sarma, learned Additional Public Prosecutor by producing the case diary before this court, submits that the applicant had appeared before the IO and he has been cooperating with the investigating agency and his statement is recorded and that material part of investigation is almost over.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. Considering the submissions of learned counsel for both the parties and also considering the fact that the applicant has been cooperating with the investigating agency and also in view of the progress of investigation, this Court is of the view that his custodial interrogation seems to be unwarranted here in

this case. And therefore, this Court is inclined to make the interim order dated **01.12.2023, absolute** in the same terms and condition.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

JUDGE

Comparing Assistant