

GAHC010271162022



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

Case No. : AB/3845/2022

JITENDRA DEKA AND ANR
S/O GANESH DEKA, R/O GHORAMARA, NORTH GUWAHATI, P.O.-
CHANGCHARI, P.S.-CHANGCHARI, DIST-KAMRUP-781030

2: PRANJALIKA DAS DEKA
W/O JITENDRA DEKA
R/O GHORAMARA
NORTH GUWAHATI
P.O.-CHANGCHARI
P.S.-CHANGCHARI
DIST-KAMRUP-78103

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 19.02.2024

Heard Mr. P. Teli, learned counsel for the petitioners. Also heard Ms. B. Bhuyan, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure praying for grant of pre-arrest bail to the accused/petitioners, who are apprehending arrest in connection with Changchari P.S. Case No. 472/2022, under Sections 120(B)/ 147/148/294/336/338/307 of Indian Penal Code.

The case was fixed today for production of Case Diary, however it is intimated by the learned Additional Public Prosecutor, Ms. Bhuyan, that the I.O. has already filed Charge-Sheet, vide Charge-Sheet No. 95/2023, under Sections 120(B)/147/148/294/336/338/326/307 of the Indian Penal Code, dated 31.05.2023, and accordingly submitted that the present anticipatory bail application has become infructuous.

In this context, Mr. P. Teli, learned counsel for the petitioners, has submitted that after obtaining the order of interim pre-arrest bail, the petitioners have already appeared before the I.O. and their statements under Section 161 Cr.P.C. have already been recorded and hence, prayed for extending the interim pre-arrest bail till their appearance before the learned Court below.

Considering the submissions made by the learned counsels appearing for both sides and also considering the fact that the I.O. has already filed Charge-Sheet, vide Charge-Sheet No. 95/2023, under Sections 120(B)/147/148/294/336/338/326/307 of the Indian Penal Code, dated 31.05.2023, the petitioners are hereby directed to appear before the learned Court below within 10 (ten) days from the date of passing of this order, and on their appearance and on their filing a petition for grant of regular bail, the learned Court below shall consider the same in accordance with law.

Till then, interim protection granted to the accused/petitioners, namely, (i) Jitendra Deka & (ii) Pranjali Das Deka, vide order dated 28.12.2022, shall remain extended.

In terms of above, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant