

GAHC010280052023



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

Case No. : AB/4172/2023

RAJU MECH AND ANR
S/O SRI LALIT MESH
R/O FLAT NO. 1B, RAJANI ENCALVE, MONALISA PATH
MOTHER TERESA ROAD,
P.O. ZOO ROAD, P.S. GEETANAGAR, KAMRUP (M), ASSAM, PIN-781024

2: SRI SANJEEB DAS
(PAN - AHLPD3031E)
S/O LATE BIRENDRA KR. DAS
R/O H. NO. 8
MONALISA PATH
MOTHER TERESA ROAD

P.O. ZOO ROAD
P.S. GEETANAGAR

KAMRUP (M)
ASSAM- 78102

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P J BARMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

24.01.2024

- 1.** Heard Mr. P.J. Barman, learned counsel appearing for the petitioners. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam appearing for the State respondent.
- 2.** This is an application under Section 438 of the Code of Criminal Procedure, 1973 for granting anticipatory bail to the petitioners, namely **1) Raju Mesh and 2) Sanjeeb Das** in connection with **Geetanagar P.S. Case No.309/ 2023** under Sections **120B/406/409/417/420/448/ 468** of the IPC.
- 3.** The case diary as called for is placed before the Court.
- 4.** It may be mentioned that by order, dated 12.12.2023, this Court granted the privilege of interim pre-arrest bail to the petitioners subject to conditions.
- 5.** Mr. P. Borthakur, learned Addl. Public Prosecutor, submits that the case diary shows that the petitioner No.1, namely Raju Mesh has purchased the subject plot of land from one Nibha Baruah and the petitioner No. 2, namely Sanjeeb Das witnessed the same. He further submits that the petitioners have appeared before the investigating officer and their statements have been recorded under Section 161 Cr.P.C. as per the interim pre-arrest bail granted earlier. There is no adverse report against the petitioners from the I.O. This Court finds that custodial interrogation of the petitioners may not be required in the interest of the ongoing investigation into the case.
- 6.** Accordingly, the interim pre-arrest bail granted vide order, dated 12.12.2023 is hereby made absolute, subject to the following conditions-

- (i) That the petitioners shall co-operate in investigation as and when required; and
- (ii) That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

7. Return the case diary.

8. This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant