

GAHC010280522023



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

**Case No. : AB/4192/2023**

CHARU RAJBONGSHI  
S/O LATE PULEN RAJBONGSHI,  
VILL.- DEOHATI PART II,  
P.O.- ABHAYAPURI- 783384, P.S.- ABHAYAPURI, DIST.- BONGAIGAON,  
ASSAM, PIN- 783384.

VERSUS

THE STATE OF ASSAM  
REP. BY THE P.P., ASSAM.

**Advocate for the Petitioner : MS. S G BARUAH**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**24.01.2024**

Heard Ms. S.G. Baruah, learned counsel for the applicant and also heard Ms. A. Begum, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with North Lakhimpur P.S. Case No.405/2023, under Section 384 IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Charu Rajbongshi, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by S.I. Ghana Kanta Gogoi of North Lakhimpur P.S. on 22.11.2023. The essence of allegation made in the aforesaid FIR is that ASI Charu Rajbongshi of 13<sup>th</sup> AP BN has collected money from the recruits in the name of mess dues and passing out parade.
4. Ms. Baruah, learned counsel for the applicant submits that this Court vide order dated 14.12.2023 has extended the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and therefore, it is contended that the interim order, dated 14.12.2023, may be made absolute, in the same terms and conditions.
5. On the other hand, Ms. A. Begum, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected some materials in support of the allegation made in the FIR. However, Ms. Begum submits that the applicant had appeared before the I.O. and his statement is also recorded.
6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Ms. Begum, learned Additional P.P.
7. In view of the cooperation being extended by the applicant to the investigating agency and also in view of the materials collected so far in the case diary as well as the stage of investigation, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, the interim order dated 14.12.2023 is hereby made absolute, in the same terms and conditions. Case diary be returned.
8. In terms of above, this anticipatory bail application stands disposed of.

**Sd/- Robin Phukan**  
**JUDGE**

**Comparing Assistant**