

GAHC010284232023



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

Case No. : AB/4252/2023

PANJAB BASUMATARY
S/O SRI SOMAL BASUMATARY
R/O 2 NO. BIKRAMPUR, P.O. GOHPUR,
P.S. GOHPUR
DIST. BISWANATH, ASSAM
PIN-784168

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. L GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

13.03.2024

Heard Mr. L. Gogoi, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Gohpur P.S. Case No.243/2023, under Section 120B/493/294/352/506/509/34 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Panjab Basumatary, 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 one Rashmi Basumatary, on 02.12.2023. The essence of allegation made in the aforesaid FIR is that the informant has love affairs with Panjab Basumatary and he maintained physical relationship with her for last 3 years and on 02.10.2023, he called her to his house to get her married and accordingly, she had gone there on 03.10.2023 and there a discussion took place between the villagers of two villages and there the applicant promised to solemnize her marriage after one month and since then for last 6 months she was in his house and thereafter, she was subjected to both physical and mental torture and also threatened to kill her, if she remains in his house by his father, mother and their daughter-in-law.

4. Mr. Gogoi, learned counsel for the applicant submits that this Court vide order dated 19.12.2023 was pleased to grant interim protection to the applicant and pursuant to the said order, he had appeared before the I.O. and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 19.12.2023, absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and confirmed appearance of the applicant before the I.O. and recording of his statement. Further, Mr. Sarma submits that the I.O. has collected some materials in support of the allegation made in the FIR and therefore, Mr. Sarma has opposed the petition.

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 Mr. Sarma, learned Additional P.P.

7. It appears that the I.O. has achieved substantial progress in the investigation of

this case. In view of the progress of investigation and the materials collected so far in the case diary and in view of the cooperation being extended by the applicant with the investigating agency, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 19.12.2023, 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