

GAHC010286792023



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

Case No. : AB/4265/2023

ABANI KANTA DAS AND 2 ORS
S/O HIRENDRA DAS
R/O BATAHGHULI, PANJABARI, AMRITPUR, HOUSE NO. 02, NEAR GANESH
MANDIR,
P.S. SATGAON, GUWAHATI-781037
DIST. KAMRUP (M), ASSAM

2: SAURAV DAS
S/O ABANI KANTA DAS
R/O BATAHGHULI
PANJABARI
AMRITPUR
HOUSE NO. 02
NEAR GANESH MANDIR

P.S. SATGAON
GUWAHATI-781037
DIST. KAMRUP (M)
ASSAM

3: PRANAB DAS
S/O ABANI KANTA DAS
R/O BATAHGHULI
PANJABARI
AMRITPUR
HOUSE NO. 02
NEAR GANESH MANDIR

P.S. SATGAON
GUWAHATI-781037
DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. G PHUKAN

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

23.01.2024

Heard Mr. G. Phukan, learned counsel appearing for the petitioners. Also heard Mr. D. Das, 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) Abani Kanta Das, 2) Saurav Das and 3) Pranab Das**, in connection with **Satgaon P.S. Case No. 228/2023, corresponding to G.R. Case No. 9123/2023** under Sections **325/326/307/34** of the Indian Penal Code, 1860.

3. The case diary as called for is placed before the Court.

4. The case of the prosecution is that the petitioners assaulted the informant with dao and fractured his hand.

5. Mr. D. Das, learned Addl. P.P. submits that the case diary shows that the petitioners appeared before the Investigating Officer and got their statement 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.

6. It appears from the statement recorded under Section 161 Cr.P.C that due to a provocation, scuffle took place between the petitioners and the informant. This Court finds that custodial interrogation of the petitioners may not be required in the interest of ongoing investigation into the case.

7. Accordingly, the interim pre-arrest bail granted vide order, dated 22.12.2023 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.

8. This disposes of the anticipatory bail application.

9. Return the case diary.

JUDGE

Comparing Assistant