

GAHC010292312023



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

**Case No. : AB/4349/2023**

UJJAL BORA  
S/O- RAJANI BORA,  
R/O- VILLAGE TELIASONARI GAON,  
P.S- MISSAMORA, DIST- GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. K BORUAH**

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

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 09-02-2024**

Heard Mr. K. Barua, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Addl. P.P. for the State respondent . Apprehending arrest in connection with Golaghat P.S. Case No.290/2023,(G. R. Case No. 704/2023), u/s 420 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant

namely, Sri Ujjal Bora, namely, for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Mitali Saikia, on 14.12.2023.

The essence of allegation made in the FIR dated 14.12.2023 is that having been informed that Asian Health Mission Institute, Golaghat possesses all the government registration documents, the informant and other students took admission in the said Institute and pursuing the nursing course since 1.8.2022 to 5.12.2023. But, later on they came to know that the said Institute did not possess the required document for running the institute and one Barnali Hazarika already left the Institute, after collecting money from the students and thereby cheated the informant and other students.

Mr. Barua, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 8.12.2023, and pursuant to the said order, the applicant had appeared before the I.O. and his statement is recorded and he has been cooperating with the investigating agency, and therefore, it is contended to make the interim order dated 8.12.2023, absolute in the same terms and conditions.

On the other hand, Mr. Sarma, learned Addl. P.P. has produced the case diary before this Court and submits that the I.O has collected sufficient materials and the applicant, who is the Principal of the Institute has collected huge amount of money from the students and mis-appropriated the same and therefore, Mr. Sarma has opposed the petition.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Addl. P.P.

Case diary indicates that I.O. has collected some materials in support of the

allegation made in the FIR. But it appears that, the applicant had appeared before the I.O and he has been cooperating with the investigating agency. Considering above as well as the stage of investigation this Court is of the view that custodial interrogation of the applicant may not be required in the interest of investigation. And therefore, the interim order dated 22.12.2023, is hereby made absolute in the same terms and conditions.

Case diary be returned.

**JUDGE**

**Comparing Assistant**