

GAHC010292762023



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

Case No. : AB/4342/2023

LAKSHYA JYOTI DAS
ADDITIONAL DISTRICT COMMISSIONER, NAGAON,
S/O LATE KAN CHANDRA DAS
RESIDENT OF UNIQUE TOWE KHANAPARA, PO DISPUR , DIST KAMRUP M
ASSAM 781022

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

05.03.2024

Heard Mr. K.N. Choudhury, learned Senior Counsel, assisted by Mr. D.J. Das, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 438 of Code of Criminal Procedure, 1973, filed by the petitioner, namely, Lakshya Jyoti Das, who is apprehending his arrest, in connection with Crime Branch P.S. Case No. 08/2023, registered under Section 120B/420/468/471/409/447 of the Indian Penal Code.

The case diary as called for is placed before the court.

It may be mentioned that by order dated 22.12.2023, this court granted the privilege of interim pre-arrest bail to the petitioner, subject to conditions.

Mr. D. Das, learned Additional Public Prosecutor submits that the case diary shows that the petitioner appeared before the Investigating Officer and got his statement recorded on 02.01.2024 under Section 161 Cr.P.C. as per the interim pre-arrest bail granted earlier.

Mr. D. Das, learned Additional Public Prosecutor further submits that the statements of large number of witnesses have already been recorded under Section 161 Cr.P.C.

This court finds that custodial interrogation of the petitioner may not be required in the interest of the ongoing investigation into the case.

Accordingly, the interim pre-arrest bail granted, by the order dated 22.12.2023, is hereby made absolute, subject to the following conditions:-

- (i) the petitioner shall co-operate in the investigation and shall appear before the Investigating Officer as and when so required by the Trial Court;
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioners in the pending trial against them;
- (iii) the trial court may impose any additional condition if it deems fit to

do so for the sake of fair trial against the petitioner; and
(iv) the petitioner shall not leave the jurisdiction of the learned trial court without prior leave of the learned trial court.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant