

GAHC010293162023



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

Case No. : AB/4348/2023

VISHAL AGARWAL
S/O- SRI MAHESH AGARWAL, R/O- C/O- RAMLAL DURGADUTT MOTORS
PVT. LTD., DECCAIPATTY, NAGAON, GOPINATH BORDOLOI ROAD,
NAGAON- 782001, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. A KABRA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

30.01.2024

Heard Mr. A. Kabra, 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 Nagaon Sadar P.S. Case No.1043/2023,

under Section 147/447/354/506 IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Vishal Agarwal, 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 Hriday Borah on 03.11.2023. The essence of allegation made in the aforesaid FIR is that on 03.11.2023, in the morning hours, while his mother Smt. Rupa Borah came for lighting a lamp at their land situated at Kismat in Khutikatiya, then on being ordered by accused Vishal Agarwal one Dibyajyoti Saikia, Manager of R.D. Motors came with a group of 10/15 people at 1 o'clock in the daytime and they have kicked and pushed his mother to the ground, while she was sitting on the said plot of land and they threatened to kill her and on getting information about the incident, while he reached at the place of occurrence then the accused tried to beat him and also threatened him.

4. Mr. Kabra, learned counsel for the applicant submits that this Court, vide order dated 22.12.2023 was pleased to grant the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, he had appeared before the I.O. and he has been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 22.12.2023, 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 submits that the materials collected so far in the case diary are inadequate to show the complicity of the applicant with the offence under Section 354 IPC.

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 this Court vide order dated 22.12.2023 was pleased to extend the privilege of interim pre-arrest bail to the applicant and it also appears that pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with

the investigating agency. Further, considering the materials collected in the case diary and also in view of the submission of the learned Advocates of both sides, 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 22.12.2023, 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