

GAHC010293172023



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

Case No. : AB/4347/2023

DIBYAJYOTI SAIKIA
S/O- DHANESWAR SAIKIA, R/O C/O- DHANESWAR SAIKIA, 10, KUSHAL
KONWAR PATH, NEAR NAMGHOR, KACHALUKHOWA, NAGAON, NAGAON
PADEL, PIN- 782003, ASSAM

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, 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.B. Gogoi, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Nagaon Sadar P.S. Case No.1102/2023,

under Section 447/325/379/34 IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Dibyajyoti Saikia, 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 Rupa Bora on 04.11.2023. The essence of allegation made in the aforesaid FIR is that on 04.11.2023, at about 10 o'clock one Vishal Agarwal of R.D. Motors, his Manager along with 300 hired goondas trespassed into her land covered by Patta No.397 and Dag No.967 in Khutikatia of Nagaon Town and attacked her and her son Hriday Bora with rod, stick and injured her seriously and snatched away one gold chain from her neck and took away the purse of her son containing ₹ 20,000/-.

4. Mr. Kabra, learned counsel for the applicant submits that pursuant to an order of this Court dated 22.12.2023, by which the applicant was granted the privilege of interim pre-arrest bail, appeared before the I.O. and he has been cooperating with the investigating agency and therefore, it is contended that the interim order dated 22.12.2023, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the applicant had appeared before the I.O. and his statement is recorded. Further, Mr. Gogoi submits that material part of the investigation is almost over.

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. Gogoi, learned Additional P.P.

7. It appears that pursuant to the order dated 22.12.2023 the applicant had appeared before the I.O. and his statement is recorded and it also appears that he has been cooperating with the investigating agency. Further, it appears that the I.O. has achieved substantial progress in the investigation of this case. In that view of the matter, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, the interim order dated 22.12.2023 is hereby made 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