

GAHC010295212023



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

Case No. : AB/4374/2023

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

THE STATE OF ASSAM ,REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A KABRA
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 02-02-2024

Heard Mr. A. Kabra, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

Apprehending arrest in connection with Nagaon Sadar P.S. Case No. 1043/2023, under Sections 147/447/354/506 of IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Sri Dibyajyoti Saikia, for

grant of pre-arrest bail.

It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by Sri Hriday Borah on 3.11.2023.

The essence of allegation made in the FIR is that one Vishal Agarwal, owner of R. D. Motors and the Manager of R. D. Motors, namely, Dibyajyoti Saikia (the present applicant) on 3.11.2023, in the morning came to the land belonging to the first informant and assaulted the mother of first informant and also tried to beat up the first informant.

Mr. Kabra, learned counsel for the applicant submits that the applicant was granted the privilege of pre arrest bail by this Court, vide order dated 4.1.2024 and pursuant to said order, he had appeared before the I.O. and he has been cooperating with the investigating agency and he had furnished all the relevant documents to the I.O. and therefore, it is contended that the interim order dated 4.1.2024 may be made absolute in the same terms and conditions.

On the other hand, Mr. Sarma, learned Addl. P.P. produced the case diary before this Court and submits that though some materials have been collected by the I.O. in support of the allegation made in the FIR, yet, the dispute between the parties are basically civil in nature .

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

In view of the materials collected so far in the case diary and also in view of the fact that the applicant has been cooperating with the investigating agency as well as the submission of learned Advocates of both sides, his custodial interrogation seems to be not warranted herein this case, and accordingly,

interim order dated 4.1.2024, is hereby made absolute in the same terms and conditions.

Case diary be returned.

JUDGE

Comparing Assistant