GAHC010126272020

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

Case No. : AB/2509/2020

SMT. PURNIMA BISWAS AND ANR.
PROP. OF M/S PURNIMA ENTERPRISE, W/O SRI MANOJ SAHA, R/O WARD NO. 4, BIHPURIA TOWN, P.S.-BIHPURIA, DIST-LAKHIMPUR, ASSAM

2: MONOJ SAHA
HUSBAND OF SMT. PURNIMA BISWAS
R/O WARD NO. 4
BIHPURIA TOWN
P.S.-BIHPURIA
DIST-LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R P HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

14.12.2020

Heard Mr. R.P. Hazarika, learned counsel for the petitioners and Ms. S.H. Borah, learned Addl. PP., Assam appearing for the State/respondent.

By this application under Section 438 Cr.P.C., the petitioners, namely ***1. Smt. Purnima Biswas and 2. Monoj Saha*** have prayed for pre-arrest bail apprehending arrest in connection with **North Lakhimpur P.S. Case No. 801/2020** under Sections 420/406/506/34 of the IPC.

The case diary, as called for, is placed before the Court.

It may be mentioned that this Court, by order, dated 29.09.2020, granted the privilege of interim pre-arrest bail to the petitioners, subject to conditions.

Perusal of the case diary reveals that there are *prima facie* incriminating materials against the petitioners.

On consideration of the *pros and cons* of the evidence so far collected by the I.O., this Court finds that custodial interrogation of the petitioners may not be necessary in the interest of ongoing investigation.

It is also noticed that the petitioners appeared before the investigating officer and got their statements recorded under Section 161 Cr.P.C. as per the interim pre-arrest bail granted earlier. The petitioners are co-operating in the investigation and there is no adverse report against the petitioners from the I.O.

Accordingly, the interim pre-arrest bail, granted vide order, dated 29.09.2020 is hereby made absolute, subject to the condition that they shall co-operate in investigation as and when required and they shall not commit similar offence, of which they are suspected commission.

Return the case diary.

This disposes off the application.

JUDGE

Comparing Assistant