GAHC010161272020

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

Case No. : AB/3242/2020

DEBAJIT BORAH
S/O PONARAM BORAH, R/O MOHMAIKI (BOGOLITIKA) GAON, P.O.-BOKAKHAT, P.S.-BOKAKHAT, DIST-GOLAGHAT, ASSAM, PIN-785612

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

B E F O R E

HON'BLE MR. JUSTICE HITESH KUMAR SARMA

14-12-2020

This is an application, filed under Section 438 of the Cr.PC. seeking pre-arrest bail of the accused-petitioner, namely, ***Debajit Borah,*** in connection with ***Borpathar Police Station Case No.71/2020*** registered under Sections ***120B/419/409/420/406/34*** of the Indian Penal Code.

Heard Mr. A.M. Borah, learned senior counsel assisted by Mr. V.A. Choudhury, learned counsel for the petitioner. Also heard Mr. NJ Dutta, learned Additional Public Prosecutor, Assam appearing for the Respondent State.

Case diary received has been perused.

It appears from the materials in the case diary that the amount involved in the case was given to one Raktim Hazarika by the informant under an agreement for sale a Tea Garden. The FIR does not disclose any materials against this petitioner, but the FIR is very specific as regards the role played by the co-accused Sri Raktim Hazarika. The materials in the case diary also do not specifically reflect that the petitioner had taken any part in the commission of the alleged offence.

Learned Additional Public Prosecutor has also fairly submitted that there is no such material to justify custodial interrogation of the petitioner. On the other hand, three cheques involved in this case has already been seized, as submitted by Mr. Dutta, learned Additional Public Prosecutor.

Considering the materials in the case diary, the petitioner is granted the privilege of pre-arrest bail as his custodial interrogation is not considered necessary for the purpose of investigation of the case.

Accordingly, the interim pre-arrest bail granted to the petitioner by this Court vide order dated 12.11.2020 is made absolute by this Court on the same terms and conditions.

The anticipatory bail application, accordingly, stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant