

AB 2774/2013

BEFORE

HON'BLE MR. JUSTICE M.R. PATHAK

Heard Mr. S.K. Medhi, learned counsel for the petitioner. Also heard Mr. B.S. Sinha, learned Addl. P.P., Assam, who has produced the case diary pertaining to Jonai P.S. Case No. 102/2013.

Petitioners, namely, Sri Bimal Bhagawati and Sri Prakash Patir, have filed this application under Section 438 Cr.P.C. for granting pre-arrest bail in connection with Jonai P.S. Case No.102/2013, under Section 167/420/465/467/474/477(A)/409 IPC corresponding to G.R. Case No. 135/2013.

During the course of the argument learned counsel for the petitioner has placed on record a photocopy of the affidavit sworn by the informant stating that he has no grievance against the petitioner and the dispute between them has been amicably settled outside the court. Xerox copy of the said affidavit is kept with this file as a part of record.

On perusal of the CD, this court is of the opinion that custodial detention of the petitioners, namely, Sri Bimal Bhagawati and Sri Prakash Patir for interrogation and investigating in connection with Jonai P.S. Case No. 102/2013 is not warranted. Accordingly this pre-arrest bail is accepted.

Petitioners are already on interim bail granted earlier by this court on 26-06-2013 in the above noted Jonai P.S. Case No. 102/2013 and the same is hereby made absolute.

However, it is made clear that the petitioners shall cooperate with the Investigating Officer of the said Jonai P.S. Case No. 102/2013 for necessary investigation of the case and they shall make themselves available before the said Investigating Officer whenever required for such investigation of the case.

Further it is made clear that the petitioners shall not leave the jurisdiction of the Chief Judicial Magistrate, Dhemaji, without his prior written permission.

Return the CD herewith. In terms of the above, this bail application is disposed of.