

AB 4509/2014

BEFORE

HON'BLE MR JUSTICE M R PATHAK

Heard Mr A K Gupta, learned counsel for the petitioner. Also heard Mr N J Dutta, learned Additional Public Prosecutor for the State of Assam.

The petitioner, namely, Sri Rishiraj Dutta, has filed this application under Section 438 of the Code of Criminal Procedure, 1973, seeking pre-arrest bail in connection with Tinsukia PS Case No. 870 of 2014, corresponding to GR Case No. 1990 of 2014, registered under Section 498(A) of the Indian Penal Code, 1860, read with Section 4 of the Dowry Prohibition Act.

Perused the Case Diary produced today by the learned Additional Public Prosecutor.

It appears from the Case Diary that the informant left her matrimonial home, i.e., the house of the petitioner in the month of January 2014 and thereafter, the Advocate's notice was sent to her on 22.02.2014 from the side of the petitioner, i.e., the husband of the petitioner. On receipt of the said notice, it appears that the informant lodged the FIR in the aforesaid Tinsukia PS Case. There is no such incriminating material available in the Case Diary for custodial detention of the petitioner for his interrogation to investigate the aforesaid Tinsukia PS Case. Hence, this pre-arrest bail application of the petitioner is accepted.

The petitioner is already on interim bail in connection with the aforesaid PS Case, granted earlier by this Court on 22.10.2014 and the same is hereby made absolute with the same terms and conditions. However, it is made clear that the petitioner shall co-operate with the Investigating Officer of the aforesaid PS Case and shall appear before him whenever he is required for necessary investigation of the case. Further he shall not threat or intimidate the informant or any other witnesses of the case and shall not hamper or tamper any evidence of the case.

Any violation of the aforesaid terms and conditions by the petitioner, the bail granted in connection with the aforesaid PS Case shall automatically stand vacated.

With the aforesaid observations and directions, the Anticipatory Bail Application stands allowed.

Return the Case Diary.