

GAHC010283532018



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

Case No. : AB 3961/2018

1:RAHUL KANTI DEB @ RAHUL DEB AND ANR.
S/O. SRI SWAPAN KANTI DEB, R/O. HATKHOLAGAON, P.O. AND P.S.
MORAN, DIST. DIBRUGARH, ASSAM-785670.

2: NIRAJ GOGOI

S/O. SRI KESHA RAM GOGOI
R/O. BATAMARA
MOUTHGAON
P.O. BATAMARA
P.S. MORANHAT
DIST. CHARAIDEO
ASSAM-785670

VERSUS

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

Advocate for the Petitioner : MR. P J SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE HITESH KUMAR SARMA

21.12.2018

This is an application, filed under Section 438 of the CrI.P.C. seeking pre-arrest bail of the accused-petitioners, namely, (1) Rahul Kanti Deb @ Rahul Deb and (2) Niraj Gogoi, in

connection with Moran P.S. Case No. 340/2018 (corresponding to GR No. 4639/18) registered under Section 394 IPC.

Heard Mr. PJ Saikia Laskar, learned counsel for the accused petitioners as well as Mr. NJ Dutta, learned Additional Public Prosecutor appearing for the State of Assam.

Perused the petition as well as the annexures furnished therewith.

On perusal of the materials placed before this Court as of now including the copy of the FIR, this Court is of the view that custodial interrogation of the accused petitioners is not necessary. Accordingly, the accused petitioners are granted the privilege of pre-arrest bail.

The accused petitioners will appear before the investigating police officer within a period of seven days from today, and, in the event of their arrest, they shall be released on bail on furnishing bail bond of Rs. 10,000/- each with one suitable surety of the like amount to the satisfaction of the arresting authority, on the following conditions :

1. The accused petitioners shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge.
2. The accused petitioners shall not hamper with the investigation, or tamper with the evidence of the case; and
3. The accused petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The application stands disposed of.

JUDGE

Comparing Assistant