

GAHC010220642021



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

**Case No. : AB/4424/2021**

ABHIJIT BEZBORUAH  
S/O PRIYA DHAR BEZBORUAH  
VILL- LUKUMARI  
BEZGAON  
P.O. LUKUMAI  
DIST. DIBRUGARH  
ASSAM  
PIN-785675

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP  
ASSAM

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Advocate for : MR. N D BHUYAN  
Advocate for : PP  
ASSAM appearing for THE STATE OF ASSAM

**BEFORE  
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 31.05.2022**

Heard Mr. N. D. Bhuyan, learned counsel for the applicant and also heard Mr. P. Borthakur, learned Additional P.P., for the State respondent.

This application under Section 438 Cr.P.C., is preferred by the applicant, namely, Abhijit Bezboruah, for grant of pre-arrest bail, who has apprehended arrest in connection with Khowang P.S. Case No. 69/2021, under Sections 120(B)/143/365/342/384/506 IPC.

Mr. N. D. Bhuyan, learned counsel for the applicant submits that pursuant to order of this Court, dated 03.01.2022, the applicant has appeared before the I/O and his statement has already been recorded and that his custodial interrogation may not be required, in the interest of investigation. Therefore, it is contended to allow the petition.

On the other hand, Mr. P. Borthakur, learned Additional P.P., producing the Case Diary before this Court submits that the I/O has achieved substantial progress in the investigation and that the applicant has already appeared before the I/O and his statement has already been recorded and the I/O has collected sufficient materials in the Case Diary, and therefore, he has opposed the prayer of Mr. N. D. Bhuyan, learned counsel for the applicant.

Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of Mr. P. Borthakur, learned

Additional P.P.

In view of the materials collected so far as in the Case Diary and also in view of the nature of accusation and the punishment prescribed for the same, this Court left unimpressed that custodial detention of the applicant unwanted in the interest of investigation. And accordingly, this Court is inclined to make the interim order dated 03.01.2022, absolute in the same terms and conditions.

The Case Diary to be sent back.

**JUDGE**

**Comparing Assistant**