

GAHC010050352024



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

Case No. : AB/642/2024

BUDHESWAR BORI
S/O MOHON BORI, R/O VILL- LALOT, JONAI, P.S.-JONAI, DIST-DHEMAJI,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

15.05.2024

Heard Mr. P. Hazarika, learned counsel for the applicant and also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Jonai P.S. Case No.17/2024 under Section 120B/420/109/406/408/511 IPC, this application under Section 438 Cr.P.C. is preferred by

the applicant, namely, Budheswar Bori, for grant of pre-arrest bail.

3. It is to be noted here that the above-noted case has been registered on the basis of an FIR lodged by one Dhruba Padi, on 19.02.2024. The essence of allegation made in the aforesaid FIR is that on 19.02.2024, while examination of Social Science of HSLC examination at Murkongselek Girls School was going on, one Deben Patir being a Grade-IV employee of the said school, has prepared xerox copies of the answer sheets from books of Social Science in xerox centres and tried to enter into the examination hall with intent to supply the same amongst some examinees. Then, police personnel of Jonai P.S., who were in duty, caught him red handed and recovered the copies of answers along with xerox copies of OMR type answer sheets.

4. Mr. Hazarika, learned counsel for the applicant submits that this Court was pleased to extend the privilege of interim pre-arrest bail to the applicant vide order dated 13.03.2024 and pursuant to the said order, he had appeared before the I.O. on 16.03.2024 and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 13.03.2024, absolute, in the same terms and conditions.

5. On the other hand, Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected some materials in support of the allegation made in the FIR. However, Mr. Gogoi confirmed that the applicant had appeared before the I.O. and cooperating with the investigating agency and investigation of the case is about to complete.

6. 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. Gogoi, learned Additional P.P.

7. The case diary indicates that the I.O. has collected some materials in support of the allegation made in the FIR. But, it appears that the applicant had appeared before the I.O. and cooperating with the investigating agency. Further, it appears that the I.O. has achieved substantial progress in the investigation of the case and in that view of the

matter, custodial interrogation of the applicant seems to be not warranted here in this case and accordingly, this Court is inclined to make the interim order dated 13.03.2024, absolute, in the same terms and conditions. Case diary be returned.

8. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant