

GAHC010039882023



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

**Case No. : AB/630/2023**

MD. RUBUL ALI AND ANR  
S/O DINESH  
R/O MUKALMUA  
P.S. MUKALMUA  
DIST. NALBARI, ASSAM

2: MANTU ALI  
S/O ABDUL ALI  
R/O MUKALMUA  
PS. MUKALMUA  
DIST. NALBARI  
ASSA

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR S M ABDULLAH P**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**Date : 18.05.2023**

Heard Mr. S. M. Abdullah P, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned APP appearing for the State.

2. The petitioners, namely, (1) Md. Rubul Ali, (2) Mantu Ali, who are apprehending arrest in connection with Hajo P.S. Case No. 93/2023 under Sections 420/379/411/34 of the IPC, r/w Section 7 of E.C. Act, is seeking pre-arrest bail under section 438 Cr.P.C.

3. The learned APP has produced the case diary and has opposed the prayer for bail.

4. It may be mentioned that by order dated 28.02.2023, this Court granted the privilege of interim pre-arrest bail to the petitioner No. 2.

5. On perusal of the case diary, it appears that the petitioner No. 2 is the owner of the vehicle and the petitioner No. 1 is the owner of the rice. On perusal of the bills, which have been produced by the petitioner before the I/O, the 125 bags of rice appear to be broken rice.

6. It is also noticed that as per the interim pre arrest bail granted earlier, the petitioner No. 2 has appeared before the Investigating Officer.

7. Having noted that the petitioner No. 2 is on interim bail by order dated 28.02.2023 and there is no allegation against him of having violated any of the conditions of the interim pre-arrest bail, the Court is inclined to make the interim pre-arrest bail order dated 28.02.2023 absolute on the same terms, except condition No. 5. In addition, the petitioner shall once again appear before the I/O within a period of ten days from today.

8. So far the pre-arrest bail application of the petitioner No. 1 is concerned, this Court finds that in the backdrop of facts and evidence available on the case diary, his custodial interrogation may not be necessary.

9. Accordingly, it is provided that in the event of arrest, the petitioner

No. 1, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 50,000/-** with one solvent surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

I. The petitioner No. 1 shall make himself available to the police or any other investigating agency or Court in the present case as and when required.

II. The petitioner No. 1 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

III. The petitioner No. 1 shall not obstruct the smooth progress of the investigation/trial.

IV. The petitioner No. 1 shall not misuse his liberty in any manner.

V. The petitioner No. 1 shall appear before the I/O within 10 (ten) days from today.

10. Application stands disposed of.

11. Case diary be returned.

**JUDGE**

**Comparing Assistant**