

GAHC010063312023



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

Case No. : AB/1095/2023

HAMED ALI
S/O LATE MALEK ALI
R/O VILL- NO. 2 KAPLABARI
P.S. MUKALMUA
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

30.03.2023

Heard Mr. A. Saikia, learned counsel appearing for the petitioner. Also heard Mr. D.P. Goswami, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioner, namely **Hamed Ali** apprehending arrest in connection with **Mukalmua P.S. Case No. 42/2023** registered u/s **395/307/325/365** of the IPC read with Section **25(1-A)** of the Arms Act.

The Case diary, as called for, is placed before the Court.

The FIR reveals the allegation that on 31.03.2023 at about 9 p.m., while the informant and his elder brother were closing their grocery shop, namely "Pradhani Store", suddenly, 2 persons attired in police dress along 4 to 5 persons in civil dress came there in a Maruti Eeco Van bearing registration No. AS-01-DN-1418. Thereafter, they attacked the informant's elder brother with hammer and put a pistol on the informant's forehead. It is alleged that the group of miscreants dragged the informant's brother inside the vehicle and after snatching away an amount of Rs.11,65,000/- threw him away on the road in severely injured condition. The local people chased the vehicle of the miscreants and were able to apprehend one accused, namely Joydev Mahanta. From the vehicle one magazine of pistol, 3 numbers of live ammunitions, one hammer, 2 numbers of army colour cape, one green cape and two numbers of registration plate(AS-01-AU-8625) were recovered and seized by police.

Mr. D.P. Goswami, learned Addl. Public Prosecutor, submits that perusal of the case diary reveals prima facie insufficient incriminating material against the petitioner warranting his custodial interrogation, subject, of course, to final outcome in investigation.

In the backdrop of facts and materials available on the case diary, this Court is of the opinion that custodial interrogation of the petitioner may not be necessary in the interest of the ongoing investigation.

Accordingly, it is provided that in the event of arrest, the petitioner, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 50,000/- (Rupees Fifty Thousand)** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer within 7 days, failing which, on and from the 8th day, this pre-arrest bail order shall have no force; and
- (ii) That the petitioner 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.

Return the case diary.

This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant