

GAHC010098032023



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

Case No. : AB/1685/2023

MD. RYADULLA @ RIADULLA RAHMAN
S/O LATE SAHDULA RAHMAN
R/O JURIPAR
HOUSE NO. JW-10,
PANJABARI RIAD,
P.S. DISPUR,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

23.08.2023

Heard Mr. A.M. Ahmed, learned counsel for the applicant and Ms. S.H. Bora, learned Addl. P.P. for the State respondent.

2. Apprehending arrest in connection with **Hajo PS Case No. 304/2023**, under sections 498[A]/494/325/379/376/511 of the IPC, this

application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by accused/applicant, namely, **Md. Ryadulla @ Raidulla Rahman** for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by informant Smti 'X' [name withheld] on 26.04.2023, to the effect that the applicant being her husband, subjected her to both physical and mental cruelty, demanding dowry and he has elicited relation with another lady and performed second marriage with that lady and on 12.03.2023, the applicant and that lady came to her house and tried to kill her and the applicant also attempted to commit rape upon her.

4. Mr. Ahmed, learned counsel for the applicant submits that pursuant to an order of this court dated 14.06.2023, the applicant appeared before the IO and his statement has been recorded and he has been co-operating with the Investigating Agency, and therefore, it is contended to make the interim order, dated 14.06.2023, absolute in the same terms and conditions.

5. On the other Ms. Bora, learned Addl. P.P. has produced the case diary before this court and submits that the applicant had appeared before the IO and his statement is recorded. However, Ms. Bora submits that though the statement of the victim under Section 164 of the Cr.P.C. was called for, the same is not available in the case diary, but the statement of the victim under Section 161 of the Cr.P.C., recorded by the IO, is available in the case diary.

6. Having heard the submissions 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 learned Additional Public Prosecutor.

7. It appears that the applicant was granted the privilege of interim

pre-arrest bail by this Court, vide order dated 14.06.2023, and pursuant to the said order the applicant had appeared before the IO and his statement is also recorded. It also appears from the record that he has been cooperating with the investigating agency. Further it appears that the IO has achieved substantial progress in the investigation and examined several witnesses and also seized the relevant documents.

8. In view of above, this Court is of the view that the custodial interrogation of the applicant seems to be unwarranted here in this case, and therefore, this court is inclined to make the interim order dated **14.06.2023**, absolute in the same terms and condition.

9. In terms of above this AB stands disposed of.

10. The case diary be returned.

JUDGE

Comparing Assistant