

GAHC010103602023



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

Case No. : AB/1757/2023

JOHIRUL PRAMANIK @ JAHIRUL PARAMANIK
S/O JOYNAL PRAMANIK @ PARAMANI,
R/O VILL- MOKRAPARA, P.S. KOKRAJHAR, DIST. KOKRAJHAR, BTR,
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

10.10.2023

Heard Mr. A.A.R. Karim, learned counsel for the applicant and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Kokrajhar P.S. Case No.160/2023, under Section 379/411/307/382/429/506 IPC, read with Section 13(1) of the Assam Cattle Preservation Act, 2021, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Jahirul Pramanik @ Jahirul Paramanik, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Shyamal Barman, on 02.05.2023. The essence of allegation made in the FIR dated 02.05.2023, is that on 30.04.2023, at about 3:00 a.m. in the morning one Rajab Ali, Joybar Ali Akand @ Kader Ali, Majid Sk, Asor Ali and Jahirul Paramanik have stolen two bullocks from the house of the informant and slaughtered one of them in the house of Rajab Ali from where some parts of the slaughtered cattle were recovered and on 02.05.2023, when the informant went to the house Rajab Ali at about 6:30 a.m., said Rajab Ali and other accused persons tried to assault him by means of sharp object.

4. Mr. Karim, learned counsel for the applicant submits that vide order dated 19.05.2023, this Court was pleased to extend the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and therefore, Mr. Karim contended to make the interim order dated 19.05.2023, absolute, in the same terms and conditions.

5. On the other hand, Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, producing the case diary before this Court submits that the I.O. has collected sufficient incriminating materials against the applicant and therefore, Mr. Borthakur has opposed the petition. However, Mr. Borthakur further submits that the I.O. has made substantial progress in the investigation of this case.

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. Borthakur, learned Additional P.P.

7. It appears that the applicant was granted the privilege of interim pre-arrest bail vide order dated 19.05.2023, and pursuant to the said order, he had appeared before the I.O. and he has been extending cooperation with the investigating agency. Further, it appears that the I.O. has achieved substantial progress in the investigation of this case. In view of above, custodial interrogation of the applicant seems to be not warranted here in this case. Accordingly, this Court is inclined to make the interim order dated 19.05.2023, absolute, in the same terms and conditions.

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

9. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant