

GAHC010104692023



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

Case No. : AB/1744/2023

IBRAHIM ALI
SON OF BASER ALI,
RESIDENT OF VILLAGE NO. 3, LARKUCHI,
P.O.- RAMPUR, P.S.- MUKALMUA,
DIST. NALBARI, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 21.07.2023

Heard Mr. N. J. Dutta, learned counsel for the petitioner. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State.

This is an application under Section 438 of the Code of Criminal Procedure, 1973 has been preferred by the petitioner, namely, *Ibrahim Ali*, who is apprehending his arrest in connection with Jalukbari P.S. Case No. 250/2023

under Section 419/500/506/509 of IPC read with Section 66D/67/67B of Information Technology Act, 2000.

The only accusation in this case is that on 26.04.2023, the first informant lodged an FIR before the Officer-in-Charge of Jalukbari Police Station, *inter alia*, alleging that she got acquainted to the present petitioner and there was a love affair between the first informant and present petitioner. However, when the informant refused the marriage proposal of the present petitioner, the present petitioner opened a fake facebook account in the name of the informant and uploaded objectionable pictures of the informant therein. On the receipt of the said FIR, Jalukbari P.S. Case No. 250/2023 was registered.

Learned counsel for the petitioner denies the allegations made against the petitioner in the FIR. The learned counsel for the petitioner also submits that the petitioner was granted interim anticipatory bail vide order dated 26.05.2023 by this Court and in pursuant to the said order, the petitioner has appeared before the Investigating Officer of Jalukbari P.S. Case No. 250/2023.

Learned Additional Public Prosecutor has placed the case diary of Jalukbari P.S. Case No. 250/2023 which was called for in connection with instant case. The learned Additional Public Prosecutor also submits that she could not find anything regarding uploading of objectionable pictures in the case diary. However, the mobile phone of the present petitioner has been seized by the Investigating Officer and otherwise the investigation has fairly progressed.

I have considered the learned counsel for both sides and perused the case diary as well as material placed on record.

Considering the fact that the petitioner has appeared before the Investigating Officer in pursuant to the direction of this Court and his statement

under Section 161 Cr.P.C. has already been recorded, considering the progress of the investigation which appears from the case diary, this Court of the considered opinion that further custodial detention of the present petitioner does not appear to be necessary for fair completion of the investigation of Jalukbari P.S. Case No. 250/2023.

In view of above, the interim anticipatory bail granted to the present petitioner by order dated 26.05.2023 is hereby made absolute with condition No. 2 attached to the said order remaining intact.

With the above observation, the anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant