

GAHC010105192023



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

Case No. : AB/1779/2023

HANIF ALI
S/O LATE YASUF ALI, R/O PALAXHANI GAON, P.S.-SOOTEA, DIST-
BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

21-06-2023

Heard Mr. K. Boruah, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor, Assam.

2] This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest

bail by the petitioner, namely, **Hanif Ali**, in connection with **Sootea Police Station Case No. 24/2023**, registered **under Sections 323/ 365/ 34 of IPC** read with Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3] It is submitted by the learned counsel for the petitioner that by filing an FIR dated 10.02.2023, the informant has alleged that a quarrel took place on 07.02.2023 at about 4 P.M. evening with his elder brother Hanif Ali because Hanif Ali suspected that the daughter of the informant had stolen some money and out of suspicion, Hanif Ali had assaulted the informant's daughter. It is also alleged that the sons of Hanif Ali had also assaulted the daughter of the informant out of the suspicion that she had stolen the money of their father. Subsequently, on 08.02.2023 in the morning the daughter of the informant went missing.

4] Learned counsel for the petitioner submits that the allegations lodged in the FIR are false and concocted and the petitioner is no way involved with the alleged offence. Learned counsel for the petitioner submits that the petitioner and the informant are the residents of the same locality and the petitioner is ready to co-operate with the investigation of the case in the event he is granted bail.

5] This Court by order dated 22.05.2023 had called for the case diary.

6] Case diary, as called for, has been received and produced before this Court

today and the same has been perused by this Court.

7] Upon perusal of the case diary, it is seen that there are no materials in the case diary at this stage of investigation to suggest that the grant of anticipatory bail to the petitioner will hamper the further investigation in the case.

8] Accordingly, upon hearing the learned counsel for the parties and on taking into consideration of the entire matter including the materials available in the case diary, this Court is of the opinion that the prayer for anticipatory bail can be granted to the petitioner at this stage.

9] Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with the above noted case, he shall be released on pre-arrest bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with 1 (one) local 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 10 (ten) days from today and shall cooperate with the investigation;
- (ii) That the petitioner shall not hamper or tamper with the investigation in any manner;
- (iii) 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;

10] Anticipatory bail application is allowed and disposed of. Return the case diary.

JUDGE

Comparing Assistant