

GAHC010127932023



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

Case No. : AB/2088/2023

SAMIR ALI BIN AHMED
S/O- UNUSH ALI, R/O- VILL- MULLAPARA, P.O. HOWLY MOHANPUR, P.S.
MANGALDAI, DIST.- DARRANG, ASSAM, PIN- 784529

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR. T ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

13.10.2023

Heard Mr T Islam, learned counsel for the applicant. Also heard Mr K K Das, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Basistha PS Case No. 282/2023, under Sections 387/341/420/406/34 IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by the applicant, **Samir Ali Bin Ahmed**, 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 Ajay Kalita, on 19.05.2023. The essence of allegation made in the FIR is that on 12.05.2023, one person, namely, Samir Ali Bin Ahmed took one Royal Enfield Himalayan BS6 bearing Registration No. AS01FH5666 for a ride on rental basis for three days and after lapse of three days, he failed to return the bike and, thereafter following the guidance of the GPS attached to the bike, the informant with the owner of the bike went to Kanaisuba village of Mangaldoi District to take their vehicle and there, getting to know about the same, Samir Ali Bin Ahmed had handed over the bike to one Forkan Ali and when they reached there, about 25 people surrounded them and Forkan Ali demanded money from him and shown some documents to him to contend that he had lost the vehicle about 1 ½ year back, and he is the owner of the same.

4. Mr. Islam, learned counsel for the applicant submits that this Court was pleased to grant the privilege of interim protection to the applicant, vide order dated 14.06.2023, and pursuant to the said order, the applicant had appeared before the IO and he has been cooperating with the Investigating Agency and therefore, Mr Islam contended to make the interim order, dated 14.06.2023, absolute in the same terms and conditions.

5. On the other hand, Mr K K Das, learned Additional Public Prosecutor submits that the bike has already been recovered and given in the custody of the informant and that the applicant has also appeared before the IO on 18.06.2023 and his statement is also recorded.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of Mr Das, learned Additional Public Prosecutor.

7. The Case Diary indicates that the investigation has substantially progressed and the stolen bike has also been recovered and given in custody of the informant. Further, it

appears that the applicant was granted the privilege of interim pre-arrest bail vide order dated 14.06.2023 and pursuant to the said order, he had appeared before the IO on 18.06.2023 and he has been extending cooperation with the Investigating Agency.

8. In that view of the matter, custodial interrogation of the applicant seems to be not warranted here in this case and, therefore, the interim order dated **14.06.2023**, is hereby made 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