

GAHC010129522023



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

Case No. : AB/2121/2023

ANICHUR RAHMAN
S/O HAMIDUR RAHMAN
R/O JHAPUSABARI PART-III
P.S. GOLAKGANJ
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

22.09.2023

Heard Mr. A. Ahmed, 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 Dhaligaon P.S. Case No.92/2022, under Section 420/406/468/34 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Anichur Rahman for grant of pre-arrest bail.
3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Abdur Rahman Prodhani on 01.06.2022. The essence of allegation made in the FIR is that one Anichur Rahman, in connivance with one Uttam Gogoi, Niranjana and Fuleen Bhakat availed a loan amounting to ₹ 18,06,495/- in his name for purchasing one vehicle bearing Registration No.AS-26C-8780 and showing his Pan card and Driving licence and projected him as the guarantor of the aforesaid loan, by forging his signature.
4. Mr. Ahmed, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant vide order dated 15.06.2023, and pursuant to the said order, the applicant had appeared before the I.O. and his statement is recorded and that custodial interrogation of the applicant may not be required in the interest of investigation and therefore, it is contended to allow the petition by making the interim order dated 15.06.2023, absolute, in the same terms and conditions.
5. On the other hand, Mr. P. Borthakur, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the offences are serious in nature and the I.O. has collected sufficient materials against the applicant and therefore, it is contended to dismiss the petition.
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 from the case diary that the applicant had appeared before the I.O. and his statement is recorded. The case diary also indicates that the I.O. has achieved substantial progress in the investigation of the case and material part of the investigation appears to be almost over, as relevant witnesses have been examined and the documents have been seized and sent to FSL for examination.
8. In view of above, custodial interrogation of the applicant seems to be not

warranted here in this case and therefore, the interim order dated 15.06.2023, is hereby made absolute, in the same terms and conditions.

9. In terms of above, this anticipatory bail application stands disposed of.
10. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant