

GAHC010142872023



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

Case No. : AB/2279/2023

ABDU SALAM MAZUMDER
S/O- RAMAN ALI MAZUMDER, R/O- GONIRGRAM PART-(II), P.S.
KATIGORAH, DIST.- CACHAR, ASSAM

VERSUS

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

Advocate for the Petitioner : MR F A LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 24-08-2023

Heard Mr. F.A.Laskar, learned counsel for the applicant and also heard Mr. P.S. Lahkar, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Badarpur P.S. Case No. 29/2023 under Sections 392 IPC (G.R.Case No. 225/2023), this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Abdul Salam Mazumdar for grant

of pre-arrest bail.

It is to be noted that the above noted case was registered on the basis of an FIR lodged by one Ashis Paul on 29.1.2023.

The essence of allegation made in the FIR is that on 20.1.2023 at about 9-45 PM some miscreant has assaulted Kabir Hussain, who was the driver of the truck bearing registration AS-11-DC-4986 (Tata Ultra) while he was carrying betel nut from Bangha to Barnihat, Meghalaya and took away 239 package of betel nut from the said truck worth Rs.24,56,500/- .

Mr.Laskar, learned counsel for the applicant submits that the applicant was granted privileges of interim pre arrest bail vide order dated 28.7.2023, by this Court, and pursuant to said order he appeared before the I.O. and he has been cooperating with the investigating agency, and therefore, it is contended to make the interim order dated 20.7.2023, absolute in same terms and condition. On the other hand, Mr.Lahkar, learned Addl. P.P. has produced the case diary before this Court and submits that there is no note of the I.O in the case diary to suggest that the applicant to appear before the I.O. However, Mr. Lahkar, producing the case diary before this court submits that investigation is still going on, however, later on, Mr. Lahkar, learned Addl. P.P. obtaining necessary instruction from the I.O. concerned submits that the applicant appeared before the I.O. and his statement is recorded and he has been cooperating with the investigating agency.

Having heard the submission of learned Advocates of both sides, I have carefully perused the petition and the documents placed on record and also perused the case diary produced before this Court with the assistance of Mr. Lahkar, learned Addl. P.P.

In view of submissions of Advocates of both sides and also in view of materials

collected so far in the case diary as well as the progress of the investigation and also in view of the cooperation, being extended by the applicant to the investigating agency, his custodial interrogation seems to be not warranted herein this case, and accordingly, interim order dated 20.7.2023, is hereby made absolute in the same terms and condition.

In terms of the above this A.B stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant