

GAHC010154812023



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

**Case No. : AB/2462/2023**

IDRISH ALI  
S/O LATE DAYAR ALI  
R/O TEKARKHATA  
P.S. FAKIRAGRAM  
DIST. KOKRAJHAR, BTAD, ASSAM

VERSUS

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

**Advocate for the Petitioner : MR H R A CHOUDHURY**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 13-09-2023**

Heard HRA Choudhury, learned Senior counsel assisted by Mr.U. Chaudhury, learned counsel for the applicant and also heard Mr.K.Baishya, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Fakiragram P.S. Case No.71/2023, u/s 120(B) / 384 /420 /500 IPC, this application u/s 438 Cr.P.C. is preferred by applicant, namely, Idrish Ali for grant of pre-arrest bail.

It is to be noted here that above noted case has been registered on the basis of FIR lodged by one Rahmat Ali on 24.6.2023.

The essence of allegation made in the FIR, dated 24.6.2023 is one Jinnatun Bibi, Mazirul Islam, Insar Ali Sunaru have hatched a conspiracy and solemnized the informant's marriage with Jinnatun Bibi and thereafter marital discord surfaced between them and to bring out a settlement they took a sum of Rs.30,000/- from him. Thereafter Jinnatun Bibi had lodged a case against his brother Rafique Ali Mandal alleging commission of rape by him and they have received 35,000/- from him so as to manage the Officer-in-Charge and Addl. Superintendent of Police for not registering a case against his brother and thereafter, they got a case registered against his brother with Fakiragram P. S. and thereafter they have demanded a sum of Rs.1,50,000/- in the name of compromise from him.

Mr. HRA Choudhury, learned Senior counsel submits that this Court was pleased to grant interim protection to the applicant vide order dated 19.7.2023, and pursuant to the said order, the applicant had appeared before the I.O. and his statement is recorded and he has been cooperating with the investigating agency and therefore, a contention is being made to make the interim order dated 19.7.2023 absolute in same terms and condition.

On the other hand, learned Addl. P.P. has vehemently opposed the petition on the ground that I.O has collected sufficient incriminating materials against the applicant and in view of nature of accusation, this is not a fit case for granting privilege of pre-arrest bail to the applicant. However, to a pointed query of this Court, Mr. Baishya submits that the I.O. has examined the witnesses and seized the relevant documents and material part of investigation appears to be completed.

Having heard the submissions 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. Baishya, learned Addl. P.P.

In view of the materials collected so far in the case diary as well as the progress of, and also in view of the cooperation being extended by the applicant to the investigating agency, custodial interrogation of the applicant seems to be not warranted herein this case and accordingly, this Court is inclined to make the interim order dated 19.7.2023, absolute in the same terms and condition.

Case diary be returned.

**JUDGE**

**Comparing Assistant**