

GAHC010165782023



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

**Case No. : AB/2633/2023**

FAZAL AHMED  
S/O LATE ABAD UDDIN, R/O VILL- NORTH BADEJAMA, P.O.-BARAIGRAM,  
P.S.-PATHARKANDI, DIST- KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR SARFRAZ NAWAZ**

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

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**30.08.2023**

Heard Mr. S. Nawaz, learned counsel for the applicant and also heard Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Patharkandi P.S. Case No.188/2023, under

Sections 406/420 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Fazal 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 a complaint lodged by one Sahara Khanam on 19.05.2023. The allegation made in the FIR relates to non-payment of EMI of a vehicle bearing Registration No.AS01-EY-3521, which the first informant had purchased from Hyundai Motor India, after down payment of ₹ 1,50,000/- and thereafter, registered the same in the name of the applicant Fazal Ahmed and thereafter, she had made another payment, amounting to ₹ 1,00,000/- and after delivery on 30.11.2021, she has been using the said vehicle and paying the EMI @ ₹ 14,860/- in the account of the applicant, but the applicant failed to make payment of the same to the bank and when she informed the applicant about the same, then he threatened her and claimed a sum of ₹ 2,00,000/-, from her and to lift the car from the complainant.

4. Mr. Nawaz, learned counsel for the applicant submits that the applicant is on interim pre-arrest bail, in view of the order of this Court dated 01.08.2023, and pursuant to the said order, he had appeared before the I.O. and cooperating with the investigating agency and therefore, Mr. Nawaz contended to make the interim order dated 01.08.2023 absolute, in the same terms and conditions.

5. On the other hand, Mr. M.P. Goswami, learned Additional Public Prosecutor has produced the case diary before this Court and opposed the petition on the ground that the I.O. has collected sufficient incriminating materials against the applicant.

6. Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Goswami, learned Additional P.P.

7. It appears from the case diary that the applicant had appeared before the I.O. and he has been cooperating with investigating agency. Further, it appears from the case diary that the I.O. has collected sufficient materials in support of the allegation made in the FIR. However, having regards to the stage of investigation, custodial interrogation of the applicant seems to be not warranted here in this case and accordingly, this Court is

inclined to make the interim order dated 01.08.2023 absolute, in the same terms and conditions.

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

**Sd/- Robin Phukan**  
**JUDGE**

**Comparing Assistant**