

GAHC010166912022



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

Case No. : AB/2455/2022

SABBIR HUSSAIN CHOWDHURY AND 3 ORS
SON OF ALHAJ JAMILUN NABI CHOWDHURY
R/O VILL- BAGPUR, PART-3, P.S. SILCHAR,
DIST. CACHAR, ASSAM

2: HUSNA MEHBUBA CHOUDHURY
D/O ALHAJ JAMILUN NABI CHOWDHURY
R/O VILL- BAGPUR
PART-3
P.S. SILCHAR

DIST. CACHAR
ASSAM

3: MASUARA BEGUM
W/O ALHAJ JAMILUN NABI CHOWDHURY
R/O VILL- BAGPUR
PART-3
P.S. SILCHAR

DIST. CACHAR
ASSAM

4: MASRUR AHMED BARBHUIYA
S/O ABDUL MALIK BARBHUIYA
R/O SATKORA KANDI PART-II
P.S. SONAI
DIST. CACHAR
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A Y CHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 28-03-2023

Heard Mr. A. Y. Choudhury, learned counsel for the petitioners. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, for grant of pre-arrest bail to the accused/petitioners, who are apprehending arrest in connection with Dispur P.S. Case No. 1689/2022, under Section 120(B)/498(A)/325/313/495/511 of the Indian Penal Code.

Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioners, Mr. A. Y. Choudhury, that a series of cases has been lodged by the informant against the petitioners with the same cited allegations, which are false and connoted one. Apart from that she filed the cases for maintenance under D.V.Act only to harass the petitioners. The informant was married to the petitioner No.1. After their marriage, the petitioner No.1 came to know that the informant, earlier got married with another person and coming to know about her earlier marriage he

lodged a complaint, she started lodging series of cases against the petitioners. It is also submitted that the accused/petitioners have already appeared before the IO, and they are still ready to co-operate with the same. Further, the petitioners prays for making the interim bail as absolute and there are no chances of absconding or hampering or tempering of this case, if the same is made absolute.

In this context, Ms. Das, learned Additional Public Prosecutor has submitted that the accused/petitioners have already appeared before the IO and their statements have already been recorded. It is also seen that the petitioners are co-operating with the IO in the investigation of this case, and accordingly raised no objections in the prayer made by the petitioners.

After hearing the submissions of learned counsels for both sides and also considering the materials available in the Case Diary, as well as considering the fact that the accused/petitioners have appeared before the IO and co-operated with the investigation of this case, thus, I find that further custodial interrogation may not be necessary here in this instant case. Further, I find it appropriate to extend the privilege of pre-arrest bail to the petitioners, namely, 1. Shri Sabbir Hussain Chowdhury, 2. Ms. Husna Mehbuba Choudhury, 3. Ms. Masuara Begum and 4. Shri Masrur Ahmed Barbhuiya. Thus, the order passed by this Court dated 30.08.2022, in connection with Dispur P.S. Case No. 1689/2022, under Section 120(B)/498(A)/325/313/495/511 of the Indian Penal Code is hereby made absolute.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant