

GAHC010179512022



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

Case No. : AB/2594/2022

SAHEBUL HOQUE @ JITUMONI @ SAHABUR HAQUE AND ANR
S/O LATE SOBIDUL ALI
VILL- KISMATPUR
P.S. GOALPARA
DIST. GOALPARA, ASSAM

2: MONOWAR HUSSAIN
S/O LATE ISUB ALI
VILL- KISMATPUR
P.S. GOALPARA
DIST. GOALPARA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

07-06-2023

Heard Mr. N. Uddin, learned counsel for the petitioners and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 438 CrPC, the petitioners namely, **1) Sahebul Hoque @ Jitumoni @ Sahabur Haque** and **2) Monowar Hussain** apprehending their arrest are seeking pre arrest bail in Goalpara P.S. Case No.170/2022 registered under Sections 120(B)/468/420/406 IPC corresponding to G.R. No.975/2022.

On specific information, the house of the petitioner No.2 at Kisamatpur was raided and in such raid suspected lubricating engine oil, Drums, large number of empty plastic bottles, large numbers of stickers, caps of different colours, buckets, drums with pumping blocks were recovered. Though police could not find the petitioners, but it is seen from the case diary that sons of the petitioner No.2 were arrested. The arrested accused persons indicated the petitioner No.1 about his involvement in selling duplicate lubricants of vehicles. One of the arrested accused showed the places in Assam and Meghalaya, where he used to sale those duplicate lubricants prepared by the petitioner No.1 in the house of the petitioner No.2, taken on rent by the petitioner No.1.

Petitioner No.2 is the father-in-law of the petitioner No.1.

Perused the case diary produced before the Court today by Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam.

With regard to the pre-arrest bail of the petitioner No.1, namely, **Sahebul Hoque @ Jitumoni @ Sahabur Haque**, case diary reveals sufficient incriminating materials against him regarding his involvement in the alleged crime. Accordingly, his prayer for pre-arrest bail in said Goalpara P.S. Case No.170/2022 stands rejected.

The interim pre-arrest bail granted earlier granted to the petitioner No.1, namely, **Sahebul Hoque @ Jitumoni @ Sahabur Haque** in said Goalpara P.S. Case No.170/2022 on 07.09.2022 is hereby recalled/stands vacated.

However, from the case diary, no such incriminating materials is found against the petitioner No.2, namely, **Monowar Hussain** regarding his involvement in the crime inspite of the fact that the house wherein, those duplicate lubricants are manufactured belongs to him, taken on rent by the petitioner No.1.

Considering the above, the Court is of the opinion that custodial interrogation of the petitioner No.2, namely, **Monowar Hussain** is not warranted to investigate said Goalpara P.S. Case No.170/2022. As such, this pre-arrest bail application of the petitioner No.2, named above, is accepted.

The petitioner No.2, namely, **Monowar Hussain** is already on interim bail in said Goalpara P.S. Case No.170/2022 granted to him earlier on 07.09.2022 and the same is hereby made absolute on the terms and conditions that the petitioner shall - **(i)** appear before the Investigating Officer of Goalpara P.S. Case No.170/2022 on or before **14.06.2023** and thereafter, as and when he is required for necessary investigation of said Goalpara P.S. Case; **(ii)** not leave the territorial jurisdiction of the Goalpara police station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

With the above observation and directions, this pre-arrest bail application accordingly stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant