

GAHC010193342023



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

Case No. : AB/3030/2023

MRINAL ALI
S/O SURUJ ALI
VILL- GUWAKUCHI
P.S. TAMULPUR
DIST. BAKSA (BTR), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 03-10-2023

1. Heard Mr. N Uddin, learned counsel for the applicant and Mr. K.K. Parashar, learned Additional PP, appearing for the State of Assam.
2. Apprehending arrest in connection with Gorchuk PS Case No.141/2023 under sections 120(B)/420/384/506/34 IPC, this

application under section 438 Cr.P.C., is preferred by applicant, namely, Mrinal Ali for grant of pre-arrest bail.

3. The above noted case has been registered on the basis of an FIR lodged by one Arjun Santosh Giri and Uttampuri Prabhupuri Goswami on 25.04.2023. The essence of allegation made in the FIR dated 25.04.2023 is that one person namely, Jamal Ali of Barbia village, under Tamulpur PS cheated them with dire consequences and asked them by promising to sell gold items and took a sum of Rs.5,00,000/- and thereafter Jamal Ali kidnapped them and threatened them to pay a sum of Rs.3,00,000/- more and also threatened to kill them at Chira Khundi village and also at ISBT bus stop flyover.

4. Mr. Uddin learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand Mr. K. K. Parashar, learned Addl. PP submits that the investigation of the case has already been complete and after completion of investigation the I/O has laid charge sheet being CS No.152/2023, under sections 120B/420/384/506/34 IPC dated 04.08.2023.

6. Having heard the submission of the learned Advocates for both the sides and also gone through the petition and the documents placed on record.

7. In view of the submission of learned advocates for both the parties, this court is inclined to dispose of this anticipatory bail application by directing the applicant Mrinal Ali to appear before the

learned Trial Court on 18.10.2023, and to apply for regular bail and in the event of filing such application the learned Trial Court shall consider the same in accordance with law.

8. Till then, this court is inclined to extend the interim protection to the applicant. And accordingly, it is provided that in the event of arrest of the applicant in connection with **Gorchuk PS Case No.141/2023** under sections **120(B)/420/384/506/34 IPC** the applicant, namely, **Mrinal Ali**, shall be enlarged on pre arrest bail on his executing a bail bond of Rs.50,000/-, with a suitable surety of the like amount, to the satisfaction of the arresting authority. The above privilege of the pre-arrest bail is, however, subject to the following conditions.

1. The applicant shall appear before the learned Court below on 18.10.2023;
2. The applicant shall 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.
3. The applicant shall not leave the territorial jurisdiction of learned CJM, Kamrup (M) without prior permission.

JUDGE

Comparing Assistant