

GAHC010193862023



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

Case No. : AB/3059/2023

SUJAL HOQUE AND 2 ORS.
S/O CHAHAB ALI
R/O VILL- AND P.O. HATIPARA
P.S. CHAYGAON,
DIST. KAMRUP

2: JEHERUL ISLAM
S/O ABBAS ALI
R/O VILL- RANGIA GAON
P.S. SARTHEBARI
DIST. BARPETA
ASSAM

3: REKIB UDDIN
S/O NIJAMUDDIN ALI
R/O IVLL- DAMARA PATHAR
P.S. SONAPUR
DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM B
REP. BY LD. PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

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

22.09.2023

Heard Mr. T. Chutia, learned counsel for the applicants and Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Basistha P.S. Case No. 424/2023**, under Sections 120[B]/420/401 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants namely, **Sujal Hoque; Jeherul Islam; and Rekib Uddin** for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged by SI Kapil Pathak, on 18.07.2023. The essence of allegations made in the FIR is that acting on a tip off they have intercepted one Bolero vehicle, bearing registration No. AS-01-FF-0527 and also apprehended the driver namely, Samsuddin Ahmed @ Boga and the handyman namely, Sahidul Islam and recovered a sum of Rs. 26,65,500/- from their possession and the said amount is suspected to be earned by indulging in criminal conspiracy and by smuggling of cattle.

4. Mr. Chutia, learned counsel for the applicant submits that the name of the applicant is not mentioned in the FIR, but, they have been summoned by the police and therefore, they apprehend arrest in connection with this case and approach this Court by filing the present application. Mr. Chutia further submits that that they are ready to cooperate with the investigating agency, and therefore, it is contended to allow the petition.

5. On the other hand, Ms. Das, learned Additional Public Prosecutor, by producing the case diary before this Court, has opposed the petition on the ground that some materials are there in the case diary.

6. Having heard the submissions of learned Advocates of both sides, I have carefully perused the petition as well as the documents placed on the record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the IO has achieved substantial progress in the investigation and on such count and also in view of the materials collected so far in the case diary, custodial interrogation of the applicants seems to be unwarranted, in the interest of investigation.

8. Accordingly, it is provided that in the event of arrest of the applicants, in connection with **Basistha P.S. Case No. 424/2023**, under Sections 120[B]/420/401 of the IPC, they shall be enlarged on pre-arrest bail on executing a bond of Rs. 50,000/- only each, with one surety of like amount to the satisfaction of the arresting authority.

9. The above privilege is, however, subject to the following conditions:

(i) that the applicants shall make themselves available for interrogation by the Investigating Officer as and when required;

(ii) that the applicants 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; and

(iii) that the applicants shall not leave the jurisdiction of the learned **CJM, Kamrup [M] at Guwahati**, without prior permission.

10. In terms of above, this AB stands disposed of.

11. The case diary be returned.

JUDGE

Comparing Assistant