

GAHC010208082023



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

Case No. : AB/3170/2023

TAJUL ALI
S/O ABDUL KADIR R/O 77 SAROPATHOR BARJARI P.O. MAJGAON DIST.
HOJAI ASSAM PIN 782428

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR K BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

12.10.2023

Heard Mr K Bhuyan, learned counsel for the applicant. Also heard Mr K K Das, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Jamunamukh P. S. Case No.44/2023, u/s 379/411 IPC, this application u/s 438 Cr.P.C. is preferred by the applicant, namely, Tajul Ali for grant of pre-arrest bail.

3. The above noted case has been registered on the basis of FIR lodged by one Bijoy Krishna Das Ali on 24.8.2023. The essence of allegation made in the aforesaid

FIR is that acting on a tip of the informant Bijoy Krishna Das and another staff conducted raid in the house of Samar Ali Laskar and recovered 49 bags of suspected Burmese supari.

4. Mr. Bhuyan, learned counsel for the applicants submits that the name of the applicant finds no mention in the FIR. But, the police is behind him as he is also one of the business man dealing with local supari(s) therefore, the applicants apprehends that he may be arrested and he approached this Court by filing the present application. Mr. Bhuyan further 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. Mr Bhuyan further submits that this Court was pleased to extend interim protection to the applicant, vide order dated 15.09.2023 and pursuant to the said order, the applicant has appeared before the IO and he has been cooperating with the Investigating Agency and therefore, Mr Bhuyan contended to make the interim order, dated 15.09.2023, absolute in the same terms and conditions.

6. On the other hand, Mr K K Das, learned Additional Public Prosecutor submits that the case is pending for collection of report from the Director, Central Plantation Crop Research Institute, Kerala and till date no witnesses have been examined by the IO, except recording the statement of the applicant and another person.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of Mr Das, learned Additional Public Prosecutor.

7. It appears that the applicant was granted the privilege of interim pre-arrest bail vide order dated 15.09.2023 and pursuant to the said order, he has appeared before the IO on 17.09.2023 and he has been extending cooperation with the Investigating Agency.

Though there is no progress in the investigation of this case yet, there is no instances of violation of any of the conditions imposed by this Court while granting the privilege of interim pre-arrest bail to the applicant, vide order dated 15.09.2023. In that way of the matter, this Court is inclined to dispose of this petition by making the interim order dated **15.09.2023**, absolute in the same terms and condition.

8. In terms of above this AB stands disposed of.

JUDGE

Comparing Assistant