

GAHC010209542023



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

Case No. : AB/3222/2023

SAHABUDDIN ALI AND ANR
S/O ISLAM ALI
R/O BHAGADUTTAPUR
P.S. DISPUR
DIST. KAMRUP (M), ASSAM

2: RAHUL ALAM
S/O RIYAJUL ALAM
R/O DAKHIN GAON
KAHILIPARA
P.S. DISPUR
DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S RANA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

06.12.2023

Heard Mr. S. Rana, learned counsel for the applicants and also heard Mr. B. Sarma,

learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Simla P.S. Case No.67/2023, under Sections 365/511 IPC, this application under Section 438 Cr.P.C. is preferred by two applicants, namely, Sahabuddin Ali and Rahul Alam for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Jaychan Goyary on 05.09.2023. The essence of allegation made in the FIR is that on 05.09.2023, at about 11:00 a.m. in the morning, two unknown persons came to his residence in a vehicle bearing Registration No.AS-01FK-3066 and asked him to get into their vehicle, introducing themselves as the personnel of SSB. Then he had asked his son to confirm the matter with the SSB and then his son confirmed that no personnel from SSB has been sent to his residence and the informant then refused to get inside their vehicle though they forcefully grab his hand and tried to pick him up in their vehicle.

4. Mr. Rana, learned counsel for the applicants submits that this Court vide order dated 20.09.2023 was pleased to extend interim protection to the applicants and pursuant to the said order, the applicants had appeared before the I.O. and they have been cooperating with the investigating agency and that this Court vide order dated 24.11.2023, in AB No.3566/2023 has already granted the interim pre-arrest bail absolute in respect of one of the co-accused, namely, Md. Samik Salmani @ MO. Samik and therefore, Mr. Rana contended that the interim order dated 20.09.2023 may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the applicants had appeared before the I.O. and they have been cooperating with the investigating agency. Mr. Sarma further submits that the investigation is still going on.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case

diary with the assistance of Mr. Sarma, learned Additional P.P.

7. The case diary indicates that the applicants had appeared before the I.O. and they have been cooperating with the investigating agency. Further, the case diary indicates that the investigation of the case has progressed substantially and in view of the cooperation being extended by the applicants to the investigating agency their custodial interrogation seems to be not warranted here in this case and therefore, the interim order dated 20.09.2023 is hereby made absolute, in the same terms and conditions.

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

9. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant