

GAHC010213832023



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

Case No. : AB/3254/2023

LUIES AHMED
S/O MAKIBOR RAHMAN,
VILL.- PIYALIKHATA, P.S.- BAIHATA CHARIALI, DIST.- KAMRUP, ASSAM,
PIN- 781381.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

17.10.2023

Heard Mr. S. Munir, learned counsel for the applicant and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Baihata Chariali P.S. Case No. 277/2023, under Sections 341/393/279 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, Luies Ahmed for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged by one Pranjal Bharali, on 13.09.2023. The essence of allegations made in the FIR is that on the intervening night of 27.08.2023, at about 1 am, while the informant along with his three friends were travelling in a Scorpio vehicle, bearing registration No. AR-01-L4770, one Brezza vehicle followed them from Dumnichoki onwards and they have wrongfully restrained their vehicle at Baihata Chariali and with the help of one Swift

Dzire vehicle and chased towards their vehicle, but they somehow manage to escape and the Brezza vehicle followed them up to Nalbari.

4. Mr. Munir, learned counsel for the applicant submits that this Court, vide order dated 21.09.2023, this Court was pleased to grant interim protection to the applicant and pursuant to the said order the applicant had appeared before the Investigating Officer and he has been cooperating with the investigating agency. And therefore, Mr. Munir contended to make the interim order dated 21.09.2023, absolute in the same terms and conditions.

5. On the other hand, Mr. P. Borthakur, learned Additional Public Prosecutor has produced the case diary before this Court and confirmed appearance of the applicant before the Investigating Officer and further submits that the Investigating Officer has examined some witnesses including the complainant and three other witnesses and the investigation has substantially been progressed.

6. Having heard the submission of learned Advocates for both the 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. Borthakur, learned Additional Public Prosecutor.

7. Case diary indicates that the applicant had appeared before the Investigating Agency and he has been cooperating with the investigating agency. Further, it appears that the Investigating Officer has examined the complainant and three other witnesses and achieves substantial progress in the investigation of this case.

8. In view of the above, custodial interrogation of the applicant seems to be not warranted here in this case. Accordingly, this Court is inclined to make the interim order dated 21.09.2023 absolute in the same terms and conditions.

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

10. Case Diary be returned.

JUDGE

Comparing Assistant