

GAHC010226802023



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

Case No. : AB/3444/2023

ANARUL ISLAM
S/O ABDUR ROSHID
VILL- PIPULBARI BAZAR
P.S. MANKACHAR
DIST. SOUTH SALMARA MANKACHAR, ASSAM,
PIN-783131.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 23.11.2023

Heard Mr. A. Z. Azad, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

Learned counsel for the petitioner submits that the petitioner was allowed

to go on interim anticipatory bail on 09.10.2023 and in pursuant to the direction of this Court the petitioner has appeared before the Investigating Officer and has co-operated in the investigation.

On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor has produced the case diary of Mankachar P. S. Case No. 154/2022 and has submitted that though the petitioner has appeared before the Investigating Officer and his statement has also been recorded under Section 161 of the Code of Criminal Procedure, 1973.

However, learned Additional Public Prosecutor has opposed the making of interim bail granted to the petitioner as absolute on the ground that there are incriminating materials against the present petitioner and the victim who is a minor, has implicated the present petitioner in her statement made under Section 164 of the Code of Criminal Procedure, 1973 and the medical report is also against the present petitioner.

I have considered the statement made by learned counsel for both the sides and pursuant to materials on the record including the case diary of Mankachar P. S. Case No. 154/2022 along with the statement of the victim girl under Section 164 of the Code of Criminal Procedure, 1973.

Though, there are incriminating materials against the present petitioner in the case diary which is indicated from the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure however, it also appears that the petitioner has complied with the directions of this Court and has co-operated in the investigation and there is no material found in the case diary to suggest that the custodial interrogation of the present petitioner would be required at this stage of the investigation for fair completion of the investigation.

In view of the above, the interim anticipatory bail granted to the petitioner, namely, Anarul Islam by order dated 09.10.2023 is hereby made absolute with the following conditions:

- i. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.
- ii. That the petitioner shall co-operate in the investigation.

With the above, observation, this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant