

GAHC010234322023



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

Case No. : AB/3550/2023

MOHOR ALI
SON OF SATTAR UDDIN R/O - VILLAGE - 277 MAYARCHAR PART III, P.O.
NAYERALGA P.S BILASHIPARA, DISTRICT- DHUBRI, ASSAM. PIN - 783345

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. D HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 06.12.2023

Heard Mr. D.Hussain, learned counsel for the petitioner. Also heard Mr. K.K.Das, learned Addl. Public Prosecutor for the State/respondent.

By this petition filed under Section 438 Cr.P.C., the petitioner, namely, **Mohor Ali** has prayed for granting pre-arrest bail, apprehending arrest in connection with **Chapar P.S. Case No.193/2023** under Section 395 of the IPC.

The case diary is placed before the court.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. The petitioner is no way connected with the alleged offence. The petitioner was not present at the place of incident on that day as he was in Bhetapara Guest House at Guwahati and the incident had occurred under Chapor P.S., District-Dhubri. The learned counsel for the petitioner also submitted one cash memo showing the name of the petitioner lodged in the said guest house on the date of incident and as such the benefit of pre-arrest bail be granted to the petitioner.

The learned Addl.P.P. has produced the case diary and submits that one of the co-accused was arrested in connection with the case who stated before the I.O that the petitioner also participated in the commission of dacoity on the date of incident. and as such bail may not be granted to the petitioner. Custodial interrogation is required as articles are not yet recovered.

I have perused the case diary.

It appears that except the statement of the co-accused, there is no other material before the investigating officer against the petitioner regarding his involvement in the alleged offence.

In the backdrop of facts as emerged from the case diary, this Court finds it not expedient for custodial interrogation of the petitioner.

In view of above, the prayer for anticipatory bail is hereby granted.

It is provided that in the event of arrest of the petitioner, named above, he shall be released on **pre-arrest bail**, in connection with the above noted case on furnishing bail bond of **Rs.30,000/- (Thirty Thousand)** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer within 10 days from today;
- (ii) That the petitioner 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 him/her from disclosing such facts to the Court or to any police officer.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant