

GAHC010235772023



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

Case No. : AB/3540/2023

JEHERUL KHANDAKAR @ JUWEL KHANDAKAR
S/O LATE ISMAIL KHANDAKAR
R/O VILL- NAGAON
P.O. AND P.S. BAIHATA CHARIALI
DIST. KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

04.12.2023

Heard Mr. A. Gogoi, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant, namely,

Jeherul Khandakar @ Juwel, who has been apprehending arrest in connection with Baihata Chariali P.S. Case No.308/2023, under Section 379/411 IPC, 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 ASI Pramesh Deka of Baihatachariali P.S. on 08.10.2023. The essence of allegation made in the aforesaid FIR is that acting on a tip off, the informant and other staff conducted a search in the house of Juwel Khandakar situated at Nagaon on 07.10.2023, at about 3:30 a.m. and recovered 5830 kg of rods and when asked, the family members could not produce any document of the same.

4. Mr. Gogoi, learned counsel for the applicant submits that this Court vide order dated 13.10.2023 was pleased to extend interim protection to the applicant and pursuant to the said order, he had appeared before the I.O. and he has been cooperating with the investigating agency. Referring to an order dated 17.11.2023, passed by the learned Judicial Magistrate First Class, Rangia, Kamrup, in G.R. Case No.1070/2023, Mr. Gogoi submits that the brother of the applicant had filed a petition seeking custody of the seized iron rod weighing 5830 kg and the learned Court below vide order dated 17.11.2023 had granted zimma of seized iron rods to the brother of the applicant and that he is ready to cooperate with the investigating agency and therefore, it is contended to make the interim order dated 13.10.2023 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 confirmed that the applicant had appeared before the I.O. and he has been cooperating with the investigating agency.

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. In view of the fact that the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and also in view of the fact that the I.O.

has achieved substantial progress in the investigation of the case, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 13.10.2023 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