

GAHC010237922023



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

Case No. : AB/3591/2023

JAMAL UDDIN
S/O SAHADOT ALI
VILL- GOSSAIDUBI MUSLIMPARA
P.O. GAURNAGAR, P.S. LAKHIPUR
DIST. GOALPARA, ASSAM
PIN-783130

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A F N U MOLLAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 10.11.2023

Heard Mr. A.F.N.U. Mollah, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. This bail application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Jamal Uddin**, who is apprehending arrest in connection with **Lakhipur Police Station Case No. 272/2023(corresponding to GR No. 1124/2023)**, registered under **Sections 420/406/384 IPC.**

3. The learned counsel for the petitioner has submitted that the brother of the informant took of Rs.1,00,000/- from the brother of the petitioner for the purpose of brick industry and when the petitioner asked to return the said amount then the informant lodged this FIR against the petitioner. It is also submitted that the allegations made against the petitioner are totally false and concocted. It is further submitted that there is enmity between the informant and the petitioner, therefore, the informant falsely implicated the petitioner in the instant case. The learned counsel for the petitioner has further submitted that any condition may impose for considering the prayer of the petitioner. Under such background and the nature of offence as alleged in the FIR, benefit of pre-arrest bail may be extended to the petitioner.

4. On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State has opposed in granting the privilege of pre-arrest bail to the petitioner. It is also submitted that the petitioner took Rs. 1,000/- from the informant with a promise to give dwelling house under PMAY scheme but he never returned back the money or the allotment of dwelling house to the informant. At this stage, the prayer of the petitioner may not be considered.

5. I have perused the case diary along with the documents available thereon. Considering the background of the case, this Court finds that custodial interrogation of the petitioner is not required for the purpose of investigation of

the case. Therefore, he is granted the privilege of pre-arrest bail.

6. Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with **Lakhipur Police Station Case No. 272/2023(corresponding to GR No. 1124/2023)**, registered **under Sections 420/406/384 IPC**, he shall be released on furnishing bail bond of **Rs.20,000/-with a suitable surety** of the like amount, to the satisfaction of the arresting authority.

7. The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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 from disclosing such facts to the Court or to any police officer.

8. The anticipatory bail application stands disposed of accordingly.

9. Return the case diary.

JUDGE

Comparing Assistant