

GAHC010258422023



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

Case No. : AB/3884/2023

ALPHEE AHMED @ ALPHEE FAHMEED RAHMAN AND ANR
W/O FARHAD TOWFIQ RAHMAN
R/O 601A, SUBHAM ENCLAVE, OF LAKHIMINAGAR, HATIGAON,P.S.
HATIGAON, KAMRUP (M), GUWAHATI-781038.

2: FARHAD TOWFIQ RAHMAN
S/O TOWFIQUR RAHMAN
R/O 601A
SUBHAM ENCLAVE
OF LAKHIMINAGAR
HATIGAON
P.S. HATIGAON
KAMRUP (M)
GUWAHATI-781038

VERSUS

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

Advocate for the Petitioner : MR M RAHMAN
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 08-12-2023

Heard Mr. A. S. Tapadar, learned counsel for the applicant and also heard Mr. B. Sarma, learned Addl. P.P. for the State respondent.

This application, under Section 438 Cr.P.C. is preferred by the applicants, namely, 1. Alphee Ahmed @ Alphee Fahmeed Rahman and 2. Farhad Towfiq Rahman, who have been apprehending arrest in connection with Bhangagarh P.S.Case No. 301/2023 u/s 420/294/354/323/506/34 IPC, for grant of pre-arrest bail.

It is to be noted that the above noted case has been registered on the basis of an FIR lodged by one Manish Agarwal on 9.11.2023.

The essence of allegation made in the FIR, dated 9.11.2023, is that Alphee Ahmed has availed a loan amounting Rs. 2,34,996/- from IDFC Bank on 27.9.2022. Thereafter, she has failed to make payment of a single EMI to the bank. Thereafter, on 9.11.2023, at about 4 PM, the informant and his colleague Smti. Payel Deb, Senior Manager and staff went to the office of accused person for collecting the installment/settlement of the loan amount and then the accused person started abusing them and accused No. 2 abused his colleague with ill intention and forced her into a room and touched various part of her body and assaulted them, but somehow they managed to escape.

Mr. Tapadar, learned counsel for the applicant submits that this Court, vide order dated 17.11.2023, has extended the privilege of pre-arrest bail to the applicant and pursuant to the said order, both the applicants have appeared before the I.O. and their statements have been recorded and also they have been cooperating with the investigating agency and on such count, Mr. Tapadar, contended to make the interim order dated 17.11.2023, absolute in same terms and conditions.

On the other hand, Mr. B. Sarma, learned Addl. P.P. has produced the case diary before this Court and confirmed appearance of the accused before the I.O. and extending of cooperation by him to the investigating agency. Further Mr. Sarma, learned Addl. P.P submits that investigation of the case is still going on.

Having heard the submission of learned Advocate for both sides, I have gone through the petition and the documents place on record and also perused the case diary with the assistance of Mr. Sarma, learned Addl. P.P.

It appears that pursuant to interim order dated 17.11.2023, the applicants have

appeared before the I.O. and they have been cooperating with the investigating agency. It also appears from the case diary that the investigating agency has achieved substantial progress in the investigation. In that view of the matter, custodial interrogation of the applicant seems to be not warranted herein this case and therefore, this Court is inclined to dispose this anticipatory bail application by making the order dated 17.11.2023, absolute in the same terms and condition.
Case diary be returned.

JUDGE

Comparing Assistant