

GAHC010261022022



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

Case No. : AB/3770/2022

1. HARMUJ ALI AND 9 ORS.
S/O- LATE MAHIR UDDIN, R/O- VILL.- LALIRPAR, P.O. LOCHANABARI, P.S.
MOIRABARI, DIST. MORIGAON, ASSAM

2: ROUJANA BEGUM
W/O- IDDRIS ALI
R/O- VILL.- GARIABARI
P.O. LOCHANABARI
P.S. MOIRABARI
DIST. MORIGAON
ASSAM

3: MINARA BEGUM
W/O- BADAR UDDIN
R/O- VILL.- GARIABARI
P.O. LOCHANABARI
P.S. MOIRABARI
DIST. MORIGAON
ASSAM

4: HAZRAT ALI
S/O- LATE AHED ALI
R/O- VILL.- BELOBORI
P.O. LOCHANABARI
P.S. MOIRABARI
DIST. MORIGAON
ASSAM

5: JAMIR UDDIN
S/O- LATE ABBAS ALI
R/O- VILL. AND P.O. LOCHANABARI
P.S. MOIRABARI
DIST. MORIGAON
ASSAM

6: MAJIDA KHATUN
W/O- ABDUL MANNAN
R/O- VILL.AND P.O. LOCHANABARI
P.S. MOIRABARI
DIST. MORIGAON
ASSAM

7: ABDUR RAHMAN
S/O- LATE TAYAB ALI
R/O- VILL.- GARIABARI
P.O. LOCHANABARI
P.S. MOIRABARI
DIST. MORIGAON
ASSAM

8: SHAHAB UDDIN
S/O- LATE IMAN ALI
R/O- VILL.- GARIABARI
P.O. LOCHANABARI
P.S. MOIRABARI
DIST. MORIGAON
ASSAM

9: HABIBUR RAHMAN
S/O- LATE AMIR UDDIN
R/O- VILL.- GARIABARI
P.O. LOCHANABARI
P.S. MOIRABARI
DIST. MORIGAON
ASSAM

10: ABDUL JABBAR
S/O- LATE IDDRISH ALI
VILL. AND P.O. SAHARIA GAON
P.S. MOIRABARI
DIST. MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN**

O R D E R

20.01.2023.

Heard Mr. R. Ali, learned counsel for the applicants and also heard Mr. B.B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

Apprehending arrest in connection with the Moirabari P.S. Case No.230/2022 (corresponding to GR No.2212/2022), under Sections 120(B)/201/403/408/409/417/468 of the IPC, read with Section 7 of the E.C. Act, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants, namely, (1) Harmuj Ali, (2) Roujana Begum, (3) Minara Begum, (4) Hazrat Ali, (5) Jamir Uddin, (6) Majida Khatun, (7) Abdur Rahman, (8) Shahab Uddin, (9) Habibur Rahman and (10) Abdul Jabbar, for grant of pre-arrest bail.

Mr. R. Ali, learned counsel for the applicants submits that pursuant to the order of this Court passed on 22.12.2022, the applicants have appeared before the I.O. and their statements have been recorded and they are cooperating with the investigating agency and therefore, it is contended to make the interim order dated 22.12.2022, absolute, in the same terms and conditions.

On the other hand, producing the case diary before this Court, Mr. B.B. Gogoi, learned Addl. P.P., Assam also confirmed that the applicants have appeared before the I.O. and they are cooperating with the investigating agency.

Having heard the submissions 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 produced before this Court with the assistance of Mr. Gogoi, learned Addl. P.P., Assam.

In view of the materials collected so far in the Case Diary as well as progress of investigation and also considering the fact that cooperation is being extended by the applicants to the investigating agency, their custodial interrogation seems to be not necessary here in this case, in the interest of investigation and therefore, this Court is inclined to make the interim order, dated 22.12.2022, absolute in the same terms and conditions.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant