

GAHC010000562024



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

Case No. : AB/88/2024

MINHAJUL ALI AND ANR
S/O WOHAB ALI
R/O VILL- KAWAIMARI BLOCK NO. 2,
P.O. GOLIBANDHA, P.S. SARTHEBARI
DIST. BARPETA, ASSAM
PIN-781375

VERSUS

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

Advocate for the Petitioner : MR. S AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

05.03.2024

Heard Mr. S. Ahmed, learned counsel for the petitioners. Also heard Mr. K.K. Das, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 438 of Code of Criminal Procedure,

1973, filed by the petitioners, namely, (1) Minhajul Ali and (2) Jamiran Nessa, who are apprehending their arrest, in connection with Sarthebari P.S. Case No. 205/2023, registered under Section 306/34 of the Indian Penal Code.

The case diary as called for is placed before the court.

It may be mentioned that by order dated 11.01.2024, this court granted the privilege of interim pre-arrest bail to the petitioners, subject to conditions.

Mr. K.K. Das, learned Additional Public Prosecutor submits that the case diary shows that the petitioners appeared before the Investigating Officer and got their statements recorded under Section 161 Cr.P.C. as per the interim pre-arrest bail granted earlier.

He further submits that from the materials collected by the Investigating Officer, it appears that there are incriminating materials to the extent of demand of dowry within two years of the marriage. He further submits that the investigation has progressed substantially and the statements of the witnesses have already been recorded under Section 161 Cr.P.C.

This court finds that custodial interrogation of the petitioners may not be required in the interest of the ongoing investigation into the case.

Accordingly, the interim pre-arrest bail granted with the order dated 11.01.2024, is hereby made absolute, subject to the following conditions:-

(i) the petitioners shall co-operate in the investigation and shall appear before the Investigating Officer as and when so required by the Trial Court;

(ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioners in the pending trial against them; and

(iii) the Trial Court may impose any additional condition if it deems fit to

do so for the sake of fair trial against the petitioner.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant