

GAHC010001002024



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

Case No. : AB/22/2024

IKRAMUL HOQUE AND ANR
S/O- ABDUL HANIF

2: ROFIQUL ISLAM
S/O- ABDUL HANIF

BOTH R/O VILL NO-1
JHARGAON
P.S- KALAIGAON
DIST- UDALGURI
BTR
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

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

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

19.02.2024

Heard Mr. M. Ahmed, learned counsel for the petitioners. Also heard Mr. D. Das, learned Addl. Public Prosecutor for the State/respondent.

By this petition filed under Section 438 Cr.P.C., the petitioners, namely, **Ikramul Hoque and Rofiqul Islam** apprehending their arrest in connection with **Dalgaon P.S. Case No. 392/2023** registered u/s **406/376** of the IPC.

The Case diary, as called for, is placed before the Court.

It may be mentioned that by order, dated 09.01.2024, this Court granted the privilege of interim pre-arrest bail to the petitioners subject to conditions.

Mr. D. Das, learned Addl. 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. in terms of the interim pre-arrest bail granted earlier. Accordingly, he submitted that considering the conduct of the accused and materials in the case diary custodial interrogation of the petitioners may not be necessary in the interest of the ongoing investigation into the case.

Considering the submission made by learned counsel for both sides and materials in the case diary vis-à-vis conduct of the petitioner I find that custodial interrogation is not necessary in this case and here I find it a fit case to extend the privilege of pre-arrest bail to the petitioners.

Accordingly, the interim pre-arrest bail granted vide order, dated 09.01.2024 is hereby made absolute, subject to the following conditions-

- (i) That the petitioners shall co-operate in investigation as and when required; and

- (ii) That the petitioners 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 them from disclosing such facts to the Court or to any police officer.

Return the case diary.

This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant