

GAHC010006922024



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

Case No. : AB/94/2024

RASIDUL HOQUE
S/O SAFAR UDDIN
VILL- FATEHPUR, P.O. KUTUBPUR
P.S.BIHPURIA
PIN-787054
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 21.02.2024

Heard Mr. I.A. Ahmed, learned counsel for the petitioner and Mr. P. Borthakur, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 438 Cr.P.C., filed by the petitioner,

namely Rasidul Haque, praying for pre- arrest bail who is apprehending arrest in connection with Paltanbazar P.S. Case No. 502/2023 under Sections 120B/ 457/ 386/ 352/ 420 IPC.

The case diary is received and perused.

Heard both sides.

It is submitted by the learned counsel for the petitioner that the petitioner is on interim pre-arrest bail vide order dated 11.01.2024. He is no way involved with the offence as alleged in the FIR. He further submits that the petitioner is a daily wage earner labourer and came to Guwahati to purchase some parts of water pump and stayed in hotel at Paltanbazar with Bilal Huissain and Biki Ali. From the statement of the FIR it is seen that Billal Hussain and Biki Ali were involved with the alleged offence but as he was staying with Billal Hussain, he is apprehending arrest and hence, the petitioner has filed the present application, seeking pre-arrest bail. However, the present petitioner is not named accused in the FIR. He further submits that after obtaining interim pre-arrest bail, the petitioner has appeared before the I.O. and his statement has been recorded under Section 161 Cr.P.C. and he has cooperated with the investigation. He further submits that the petitioner is ready and willing to co-operate with the I.O., if the privilege of pre-arrest bail is granted to him.

In this context, the learned Addl. PP has submitted that there are sufficient incriminating materials available in the case diary against the accused/ petitioner so far collected by the I.O. and he is the person who supplied fake golds. His prayer of pre-arrest bail may not be considered at this stage.

After hearing the learned counsel for both the parties, considering the materials available in the case diary and considering the fact that the co-

accused was already enlarged on bail and the accused has cooperated with the I.O., I find it to be a fit case to extend the privilege of pre-arrest bail to the petitioner.

Accordingly it is directed that in the interim pre-arrest bail order dated 11.01.2024 is hereby made absolute, subject to the same conditions contained in the interim order dated 11.01.2024 itself.

With the above direction, the bail application is disposed of.

Return the case diary.

JUDGE

Comparing Assistant