

GAHC010008172024



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

Case No. : AB/191/2024

ADAM ALI
S/O SIDDIK MOLLAH
R/O VILL- BARABANGARCHAR PART-I, P.O. MUHURIRCHAR,P.S.
SUKCHAR, DIST. DHUBRI, ASSAM, PIN-783128

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 28.02.2024

Heard Mr. N.J. Dutta, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with South Salmara P.S. Case No. 168/2020 under Section 365 of the IPC, this application under Section 438

Cr.P.C. has been preferred by the applicant, namely, Adam Ali, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Romeez Ali on 03.06.2020. The essence of allegation made in the FIR dated 03.06.2020, is that the son of the informant, namely, Anowar Hussain, aged 25 years, is missing from 08.12.2019, 6 p.m., from Patakata market.

4. Mr. Dutta, learned counsel for the applicant submits that the name of the applicant finds no mention in the FIR, but as per his instruction, one of the co-accused has implicated him with the offence alleged in the FIR, and that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to allow the application.

5. On the other hand, Mr. B. Sarma, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the present applicant and therefore, Mr. Sarma has opposed the application.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the application and the documents placed on record and also perused the case diary with the assistance of Mr. B. Sarma, learned Addl. Public Prosecutor.

7. The case diary indicates that the I.O. has collected some materials in support of the allegation made in the FIR, investigation is going on and the victim is yet to be recovered, and if the applicant is granted the privilege of anticipatory bail, the investigation will suffer a set back and therefore, this Court is of the view that this is not a fit case where the privilege of anticipatory bail can be granted to the applicant and accordingly, the anticipatory bail application

stands dismissed.

8. Case diary be returned.

JUDGE

Comparing Assistant