

GAHC010013862024



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

Case No. : AB/180/2024

SAMIUL HOQUE KHANDAKAR
S/O LATE ABDUL KHANDAKAR
R/O VILL- DHARAI
P.S. LAKHIMPUR,
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

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

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

19.02.2024

Heard Mr. M. Rana, learned counsel appearing for the petitioner. Also heard Mr. K. K. Das, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioner, namely, **Samiul Hoque Khandakar** apprehending his arrest in connection with **Lakhipur P.S. Case No.**

301/2023 registered u/s **447/376/511/354(A)** of the IPC.

Case diary received and perused the same.

It is submitted by the learned counsel for the petitioner that the petitioner is innocent and no way involved with the alleged offence. As per the statement made in the FIR the only allegation brought against the petitioner is that he tried to commit rape upon the victim. The only fact is that the husband of the informant borrowed a sum of Rs.20,000/- from the petitioner and when the petitioner demanded his money, the husband of the informant lodged the FIR through his wife i.e. the informant with some false and concocted allegation. However, the petitioner is ready and willing to co-operate with the IO for further investigation of the case if he granted the privilege of pre arrest bail.

Mr. K. K. Das, learned Public Prosecutor has submitted that the statement of the victim is also recorded under Section 164 Cr.P.C. wherein she brought the same allegation as narrated in the FIR. However, he submitted that the bail prayer of the petitioner may be granted basing on the materials available in the case diary.

Considering the submission made by the learned counsel for both the sides and also considering the materials available in the case diary as well as the statement of the victim recorded under Section 164 Cr.P.C., I find that custodial interrogation of the present petitioner may not be required for the interest of investigation.

Accordingly, it is provided that in the event of arrest, the petitioner, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 20,000/-** with one local surety of like amount to the satisfaction of the arresting authority, subject, of course, to the

following conditions:

- (i) That the petitioner shall appear before the Investigating Officer within 7 days; failing which on and from the 8th day, the pre-arrest bail order shall automatically come to end;
- (ii) That the petitioner 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 him from disclosing such facts to the Police Officer or the Court; and
- (iii) That the petitioners shall refrain from committing any similar offence in future of which he is accused or suspected of commission.

Return the case diary.

This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant