

GAHC010024692024



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

Case No. : AB/322/2024

AMZAD HUSSAIN
R/O VILL- MANDIRA NC,
P.S. BOKO,
PIN- 781136
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : M PATHAK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 04.03.2024

Heard Mr. M. Pathak, learned counsel for the applicant. Also heard Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Boko P.S. Case No. 580/2023, under Sections 420/406 of the IPC, this application under Section 438 Cr.P.C.

has been preferred by the applicant, namely, Amzad Hussain, 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 Saddam Hussain and nine others on 28.11.2023. The essence of allegation made in the FIR dated 28.11.2023, is that while the applicant was working as an agent of Nagarbera Samabai Samiti of village Mandira N.C., he used to collect money from the public for making ration cards and for inserting names in the ration cards, and thereafter, defrauded them.

4. Mr. Pathak, learned counsel for the applicant submits that this Court, vide order 12.02.2024, was pleased to grant interim pre-arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. on two occasions. Mr. Pathak further submits that this is a case lodged out of political rivalry between the applicant and the informant, and that the applicant participated in the Panchayat Election held in the year 2018, and against the applicant, the informant had contested in the said election and he lost in the said election and therefore, this case has been lodged, and that the applicant has been cooperating with the investigation agency and therefore, it is contended that the interim order dated 12.02.2024 may be made absolute in the same terms and conditions.

5. On the other hand, Mr. R.J. Baruah, the learned Addl. Public Prosecutor has produced the case diary and submits that as per his instruction, the applicant had appeared before the I.O. Mr. Baruah further submits that the case diary has not been updated since 09.01.2024, however, Mr. Baruah submits that the I.O. has examined some witnesses in support of the allegation made in the FIR.

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. R.J. Baruah, learned Addl. Public Prosecutor.
7. In view of the materials collected so far in the case diary as well as the stage of investigation and further considering the fact that the applicant has been cooperating with the investigating agency, his custodial interrogation seems not be warranted here in this case, and accordingly, the interim order 12.02.2024 is hereby made absolute in the same terms and conditions.
8. In terms of above, this application stands disposed of.
9. Case diary be returned.

JUDGE

Comparing Assistant