

GAHC010028232024



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

Case No. : AB/336/2024

ABDUL RAKIB @ RAKIB UDDIN
S/O LATE ABDUL MANAF @ MONOI MIYA, VILL- KURTI
P.O. KATALTALI
P.S. BAZARICHERRA
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

11.03.2024

Heard Mr. A. Ahmed, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 438 of Code of Criminal Procedure, 1973, filed by the petitioner, namely, Abdul Rakib @ Rakib Uddin, for granting of pre-arrest bail to the accused petitioner, who is apprehending his arrest, in connection with Bazaricherra P.S. Case No. 06/2024, registered under Section 147 /148 /149 /152 /341 /353 /307 /332 /392 /436 /511 of the Indian Penal Code.

The case diary called for has been placed before this court.

It may be mentioned that by order dated, 15.02.2024, this court had granted the petitioner interim pre-arrest bail.

Mr. K.K. Parasar, learned Additional Public Prosecutor for the State of Assam submits that the petitioner has appeared before the Investigating Officer, in terms of the order dated 15.02.2024 of this court.

He submits that the statement of the petitioner under Section 161 Cr.P.C. has already been recorded. He further submits that the Investigating Officer has not collected any incriminating materials as against the petitioner.

Considering the above, this court is of the considered view that custodial interrogation of the petitioner is not required for the ongoing investigation.

Accordingly, the interim pre-arrest bail granted earlier by order dated 15.02.2024, is hereby made absolute, subject of course to the following conditions:-

- (i) the petitioner shall co-operate in the investigation; and
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioners in the pending trial against them.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant