

GAHC010034202024



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

Case No. : AB/432/2024

TAYAB ALI
S/O LATE KAJIM UDDIN
R/O KUPATIMARI
P.S. BHURAGAON
DIST. MORGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 25.04.2024

Heard Mr. S. H. Sikdar, learned counsel appearing on behalf of Mr. J. Ali,
learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional

Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Bhuragaon P.S. Case No. 110/2023, under Section 365 of the Indian Penal Code and added Sections 323/354/354(A)/370 /376(D) of the Indian Penal Code.

It is submitted by Mr. S. H. Sikdar, learned counsel appearing on behalf of the petitioner, that after obtaining the order of interim pre-arrest bail, the petitioner appeared before the I.O. and co-operated in the investigation of the case. He further submitted that the petitioner is apprehending arrest only for the reason that the victim boarded on his e-rickshaw and that apart, he is no way involved in the alleged offence. However, he is ready to co-operate with the I.O. in the further investigation of this case if he is granted with the privilege of pre-arrest bail.

In this context, Mr. Das, learned Additional Public Prosecutor, has submitted that from the materials available in the Case Diary and also from the Note of the I.O., it is seen that the present accused/petitioner was carrying the victim in his e-rickshaw. However, the statement of the present accused/petitioner is not available in the Case Diary. Accordingly, he submitted that the petitioner may be directed to appear before the I.O. to co-operate in the investigation of this case.

Considering the submissions made by the learned counsels for both sides

and also considering the materials available in the Case Diary, I find that custodial interrogation of the present accused/petitioner seems to be not necessary in this case and hence, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioner vide order dated 22.02.2024, is hereby made absolute with the same terms and conditions. Further accused/petitioner is hereby directed to appear before the I.O. within 10 (ten) days from today to enable recording of his statement under Section 161 Cr.P.C.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant