

GAHC010035902024



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

Case No. : AB/417/2024

RAJU AHMED
S/O LATE ABDUL RAUF,
RESIDENT OF VILLAGE HAIDUBI, PS BATADRAVA, DIST NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. MUSTAFA HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 15.03.2024

Heard Mr. S. Das, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Raju Ahmed**, in connection with **Murajhar**

P.S. Case No. 22/2024, registered under Section **120-B/420/379 IPC r/w Section 66C/66D of Information Technology Act, 2000**.

The learned counsel for the petitioner submits that notice under Section 41(A) was issued to the petitioner and accordingly, the petitioner has appeared before the police station on 10.02.2024 and subsequently, on 14.02.2024, he was interrogated thoroughly in connection with this case regarding one accused Safiqul Islam who is his friend. As the notice under Section 41(A) was issued against the petitioner, he is apprehending arrest in connection with this case.

On the other hand, Mr. Goswami, learned Addl.P.P. submits that as per case diary, the petitioner has appeared before the investigating officer. There is apparently no allegation against the petitioner.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

Considering the facts as well as the documents available in the case diary, this Court finds that custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, he is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with **Murajhar P.S. Case No. 22/2024**, registered under Section **120-B/420/379 IPC r/w Section 66C/66D of Information Technology Act, 2000**, he shall be released on furnishing bail bond of **Rs.10,000/-** with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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 Court or to any police officer.

The anticipatory bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant