

GAHC010043802024



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

: AB/463/2024

AKKACH ALI ANCHARY ALIAS AKKASH ALI
S/O. RUSMAT ALI ANCHARY
R/O. PASCHIM BORAGAON
P.S. GORCHUK
GUWAHATI 781035 DISTRICT KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. B CHOWDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 15-03-2024

Heard Mr. B. Choudhury, learned counsel for the accused. Also heard Mr. R. J. Baruah, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Gorchuk P.S. Case No. 54/2024, under Sections 387/34 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Akkach Ali Anchary @ Akkash Ali, for grant of pre-arrest bail.

It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Rashidul Islam on 11.02.2024. The essence of allegation made in the FIR dated 11.02.2024, is that one Akkash Ali and Romej Ali, who are President and Secretary of Pachim Boragaon Sauji Nagar Development Committee, respectively, had used to extort money from local people illegally and they had also subjected the persons to mental and physical torture, if they refused to pay the money. And on 28.01.2024, at about 8:30 p.m., both the accused persons, with some unknown persons, came to the residence of the informant and demanded a sum of Rs. 50,000/- from him and when he refused to make any payment, they had threatened him with dire consequences.

Mr. Choudhury, learned counsel for the applicant submits that this Court vide order dated 26.2.2024 was pleased to grant the privilege of pre-arrest bail and pursuant to said order the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, Mr. Choudhury contended to make the interim order dated 26.2.2024 absolute in the same terms and condition.

On the other hand, Mr. Barua, learned Addl. P.P. has produced the case diary before this Court and confirmed the appearance of the applicant before the I.O. and further Mr. Barua submits that the I.O. has achieved substantial progress in the investigation of the case.

Having heard the submission of learned Advocates of both the parties and I

have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P for the State respondent.

In view of the materials collected so far in the case diary as well as the progress of investigation and also in view of the cooperation being extended by the applicant to the investigating agency, his custodial interrogation seems to be not warranted herein this Case and therefore, the interim order dated 26.2.2024 is hereby made absolute in same terms and condition.

Case diary be returned.

JUDGE

Comparing Assistant