

GAHC010048782024



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

Case No. : AB/608/2024

SHIRAJUL HOQUE
S/O MD. HAFIZ UDDIN, R/O VILL- BALIKURI, P.S.-KALGACHIA, DIST-
BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S ISLAM

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

19.03.2024

Heard Mr. S. Islam, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned APP for the State respondent.

This is an application under Section 438 of CrPC, 1973 for granting pre arrest bail

to the accused petitioner i.e. Shirajul Hoque who is apprehending arrest in connection with Baghbar PS Case No. 06/2024 under Sections 120(B)/409/420 IPC.

Pertinent to mention that this Court vide Order dated 07.03.2024 had granted the privilege of pre arrest bail to the petitioner subject to the conditions.

The Case Diary as called for is placed before the Court.

Mr. P. Borthakur, APP Assam submits that the petitioner has appeared before the Investigating Officer in terms of the Order dated 07.03.2024. He further submits that the statement of the petitioner has been recorded by the Investigating Officer under Section 161 CrPC.

It appears that the investigation has substantially progressed and the petitioner has cooperated with the investigation.

Considering the facts and circumstances of the case, this Court is of the considered view that custodial investigation may not be necessary for the ongoing investigation.

Accordingly, the interim pre arrest bail granted by this Court vide Order dated 07.03.2024 is hereby made absolute subject to the following conditions:-

i) That the petitioner shall fully cooperate with the investigation of the case and shall appear before the Investigating officer as and when required in connection with the investigation of the aforesaid PS Case; and

ii) That the petitioner 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.

iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

With the above observations and directions, the Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant