

GAHC010052342024



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

Case No. : AB/661/2024

SHAKIM ALI AND ANR
S/O- LATE MADHAB ALI. R/O SALMARA CHAR, P.S- SUALKUCHI RIVER,
DIST- KAMRUP, ASSAM.

2: BILLAL HUSSAIN @ BILU

S/O- LATE FULCHAN ALI @ FULU ALI R/O SALMARA CHAR
P.S- SUALKUCHI RIVER
DIST- KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR S HOQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 02.04.2024

Heard Mr. S. Hoque, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional

Public Prosecutor appearing 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/petitioners, namely 1. Shakim Ali 2. Billal Hussain @ Bilu Ray who are apprehending arrest in connection with Sualkuchi P.S. Case No.12/2024 under Sections 419/448/395/506 IPC.

Case diary is received. Perused the same.

It is submitted by the learned counsel for the petitioners that after obtaining interim pre-arrest bail vide order dated 13.03.2024, they have appeared before the I/O and their statement have also been recorded under Section 161 Cr.P.C. Further he has submitted that they were present at the place of occurrence only as villagers when the reporter came there and took the video of the illegal marijuana plantation of the informant. They are still ready and willing to cooperate with the I/O in further investigation of the case, if they are granted with the privilege of the interim pre-arrest bail.

In this connection, learned Additional Public Prosecutor has submitted that they have already cooperated in the investigation of the case and there is no note from the I/O for custodial interrogation of the present accused petitioners.

Considering the submissions made by the learned counsel for both sides and also considering the material available in the case diary vis-à-vis, the conduct of the accused petitioners, I find that custodial interrogation may not be necessary in this case and hence I find it a fit case to extent the privilege of pre-arrest bail to the accused petitioners.

Accordingly, the interim pre-arrest bail order dated 13.03.2024 is hereby made absolute with the same terms and conditions.

Anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant