

GAHC010053022024



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

Case No. : AB/666/2024

ABU MOSTAFA SHEIKH @ MOSTAFA RAHMAN
S/O LATE ABUL KASHEM SK
PERMANENT RESIDENT OF VILLAGE HATSINGMARI, PS AND DIST SOUTH
SALMARA, 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 MR. JUSTICE KAUSHIK GOSWAMI

ORDER

08.04.2023

Heard Mr. S. Nawaz, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam appearing for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure,

for granting anticipatory bail to the accused petitioner, namely **Abu Mostafa Sheikh @ Mostafa Rahman**, who is apprehending arrest in connection with **South Salmara Police Station Case No. 44/2024** registered under Sections **306/34** of the Indian Penal Code, 1860.

It would be pertinent to mention herein that by order dated 13.03.2024 the petitioner was granted interim pre-arrest bail subject to conditions.

The case diary, as called for, is placed before this Court.

Mr. M.P. Goswami, learned Additional Public Prosecutor submits that the petitioner has appeared before the Investigating Officer in terms of the interim pre-arrest bail granted earlier and his statement has been recorded under Section 161 Cr.P.C. He further submits that the petitioner is cooperating with the investigation.

I have heard the submissions made at the bar and have perused the case diary.

It appears that the investigation has substantially progressed and the petitioner is cooperating with the investigation. As such, this Court is of the considered view that further custodial interrogation of the petitioner may not be justified for the ongoing investigation.

Therefore, the interim pre-arrest bail granted vide order, dated 13.03.2024 is hereby made absolute, subject to the following conditions-

- i) That the petitioner shall co-operate in investigation as and when required; 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; and

- iii) That the petitioners shall refrain from such activities with which they are alleged.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant