

GAHC010054172024



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

Case No. : AB/695/2024

MOHAMMAD ALI AND 6 ORS.
S/O LATE KALIMUDDIN, R/O VILL- SIDHUNI, P.S.-BAGHBAR, DIST-
BARPETA, ASSAM

2: RUKIA BEGUM
W/O MOHAMMAD ALI
R/O VILL- SIDHUNI
P.S.-BAGHBAR
DIST- BARPETA
ASSAM

3: HANIF ALI
S/O LATE KALIMUDDIN
R/O VILL- SIDHUNI
P.S.-BAGHBAR
DIST- BARPETA
ASSAM

4: RAFIQUL ISLAM
S/O MOHAMMAD ALI
R/O VILL- SIDHUNI
P.S.-BAGHBAR
DIST- BARPETA
ASSAM

5: RASHID MASUD
S/O MOHAMMAD ALI
R/O VILL- SIDHUNI
P.S.-BAGHBAR
DIST- BARPETA
ASSAM

6: ABUL KALAM AZAD
S/O LATE AMIRUDDIN AHMED

R/O VILL- MADERTARI
P.S.-BARPETA
DIST- BARPETA
ASSAM

7: CHANDRA BHANU
W/O ABUL KALAM AZAD
R/O VILL- MADERTARI
P.S.-BARPETA
DIST- BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 04.04.2024

Heard Mr. N. Hoque, learned counsel for the petitioner. Also heard Mr. P. Borthakur, 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. Mohammad Ali 2. Rukia Begum 3. Hanif Ali 4. Rafiqul Islam 5. Rashid Masud 6. Abul Kalam Azad 7. Chandra Bhanu who were apprehending arrest in connection with Hatigaon P.S. Case No.35/2024 under Sections 366 IPC.

Case diary is received. Perused the same.

It is submitted by the learned counsel for the petitioner that the accused/petitioners are the family member of the accused Gulam Nabi Azad and they are not at all involved in the alleged offence. However, after obtaining interim pre-arrest bail on 15.03.2024, they appeared before the Investigating Officer and their statement were recorded under Section 161 Cr.P.C. They are still ready and willing to cooperate with the I/O if they are granted with the privilege of pre-arrest bail.

In this context, learned Additional Public Prosecutor has submitted that the accused/petitioners are cooperating with the I/O and their statement were recorded under Section 161 Cr.P.C and therefore, considering the materials available in the case diary, their custodial interrogation may not be necessary.

Considering the submissions made by the learned counsel for both sides, the conduct of the accused petitioners as well as the materials available in the case diary, I find custodial interrogation of the accused petitioners may not be necessary in this case and hence, I find it a fit case to extend the privilege of pre-arrest bail to the accused petitioners.

Accordingly, the interim order dated 15.03.2024 is hereby made absolute with the same terms and condition.

JUDGE

Comparing Assistant