

GAHC010057602024



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

Case No. : AB/739/2024

SAHIDUL ALI
S/O LATE MATLEB ALI, R/O VILL- HIRAPARA, P.O. AND P.S.-DHULA, DIST-
DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY
ORDER

27.05.2024

1. Heard learned counsel for the parties.
2. By this second bail application under Section 438 of the Cr.P.C., the applicant, namely, Sahidul Ali, has prayed for granting pre-arrest bail apprehending arrest in connection with Dalgaoon PS case No. 371/2023 under Section

341/419/365/506/34 IPC and added Section 386 IPC.

3. The present applicant has earlier approached this court by filing AB No. 3899/2023, however, such prayer of the applicant was rejected. Accordingly, the present application is filed.
4. Case diary as called for has been received.
5. The co-accused, namely, Aftab Hussain had also approached this court by filing AB 3861/2023. A Coordinate Bench under its order dated 25.01.2024 granted anticipatory bail to the petitioner for the reason that the said petitioner had cooperated with the investigating authority during the interim protection. The Coordinate Bench also opined that custodial interrogation of the co-accused may not be necessary.
6. After perusal of the material, this court is of the view that the petitioner is also in the same footing as well as the role of the petitioner in the commission of the alleged offence is also similar to that of the Aftab Hussain. Accordingly, this court is of the view that the custodial detention of the applicant may not be necessary in this case.
7. Accordingly, it is provided that in the event of arrest of the petitioner above named, in connection with the case aforementioned, he shall be released on bail on furnishing bail bond of Rs.25,000/- with a suitable surety of the like amount, to the satisfaction of arresting authority. The pre-arrest bail is granted on the following conditions:
 - (I) The petitioner shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,
 - (II) The petitioner shall not hamper with the investigation, or tamper with the evidence of the case,
 - (III) The petitioner shall not involve in similar offence in future,

(IV) 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,

(V) The petitioner shall appear before the Officer-in-charge, Dalgaon PS within 10(ten) days from today,

(VI) The petitioner shall continue to appear before the Investigating Officer of the above mentioned case after every 10(ten) days from the date of first appearance till such time the attendance is dispensed with by the said investigating officer.

8. Bail application stands disposed of. Return back the case diary.

JUDGE

Comparing Assistant