

GAHC010063792024



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

AB/756/2024

MAMTAZ ALI KAKATI @ MAMTAZ KAKTI
S/O LATE MAZIBUDDIN AHMED
R/O SOUTH COLONY

BAMUNIMAIDAN
P.S. GEETANAGAR

DIST. KAMRUP (METRO)
ASSAM
PIN-781021

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR M Z SHAH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

03.05.2024

Heard Mr. M.Z. Shah, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor for respondent State of Assam.

2. By this application under Section 438, Code of Criminal Procedure, 1973 [CrPC], the petitioner viz. Mamta Ali Kakati @ Mamta Kakti has approached this Court seeking the benefit of pre-arrest bail, apprehending his arrest, in connection with Geetanagar Police Station Case no. 65/2024 registered under Sections 294/506/323/354/34, Indian Penal Code [IPC].

3. The petitioner was extended interim protection by an order dated 20.03.2024 with a direction to him to appear before the Investigating Officer [I.O.] of the case within a period of 7 [seven] from 20.03.2024.

4. Mr. Shah, learned counsel for the petitioner has submitted that pursuant to the order dated 20.03.2024, the petitioner had appeared before the I.O. of the case within the stipulated time period and, thereby, joined the investigation.

5. Mr. Sarma, learned Additional Public Prosecutor has submitted, on instruction, that the I.O. of the case after completion of investigation, has already submitted a charge sheet under Section 173[2], CrPC vide Charge Sheet no. 34/2024 dated 30.03.2024.

6. As the petitioner was extended interim protection by the order dated 20.03.2024 whereafter he joined the investigation and the charge sheet has been submitted after completion of investigation thereafter, this application preferred under Section 438, CrPC is closed providing that the benefit of pre-arrest bail under Section 438, CrPC granted in favour of the petitioner by order dated 20.03.2024 shall be in effect till his appearance before the

learned jurisdictional trial court on the date fixed for his appearance in the summons, served upon him, to be issued by the learned jurisdictional trial court. It is observed that upon his such appearance before the learned jurisdictional trial court, the petitioner will be at liberty to prefer an application seeking regular bail and in the event such an application is preferred by the petitioner, the learned jurisdictional trial court will consider the same on its own merits and in accordance with law.

JUDGE

Comparing Assistant