

GAHC010066072024



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

Case No. : AB/876/2024

NUR MOHAMMAD @ NUR MOHAMMAD MOLLAH @ NOOR MOHAMMAD
S/O SIRAJUL MOLLAH, R/O VILL- KOKRADANGA PART II, P.S.-SUKCHAR,
DIST-SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

20.06.2024

1. Heard learned counsel Mr. S. Nawaz for the petitioner, Nur Mohammad @ Nur Mohammad Mollah.
2. This application has been filed by the petitioner under Section 438 of the Cr.PC with prayer for pre-arrest bail as he is apprehending arrest in connection with Mankachar P. S. Case No. 33/2024 under Sections 417/457/376 of the IPC.

3. Heard Mr. B. Sharma, learned Additional Public Prosecutor, Assam for the respondent State.
4. It is submitted by the learned counsel for the petitioner, Mr. Nawaz that both the petitioner and informant are married individuals having their own families; however, they developed an illicit and consensual relationship. But, the accused/petitioner had never promised to marry the informant. Thus, the accused/petitioner is innocent and he has been falsely implicated in the case. Hence, the petitioner accordingly prays for grant of interim pre-arrest bail and also submits that he is ready to co-operate with the investigation of this case, if so granted.
5. I have considered the submissions at the Bar with circumspection.
6. I have also scrutinized the Case Diary.
7. Investigation has progressed to a considerable extent. It appears that pre-arrest bail may be granted to the petitioner. It also appears that custodial interrogation may not be required.
8. The petitioner has appeared before the Investigating Officer and his statements have been recorded. The petitioner has pledged to abide by any stringent bail conditions.
9. Considering all aspects, interim order dated 04.04.2024, is hereby made absolute under the same terms and conditions.
10. Send back the Case Diary.

JUDGE

Comparing Assistant