

GAHC010068852024



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

Case No. : Bail Appln./965/2024

ANOWAR HUSSAIN
S/O MD. KUWASHA SEIKH
R/O VILL- KHATARUPIA BATHAN
PAHLONGPAR, P.O. CHAMOTA
P.S. BELSOR,
DIST. NALBARI, ASSAM
PIN-781353

VERSUS

THE STATE OF ASSAM,
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAMUAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 12.06.2024

- 1)** Heard Mr. A. Chamuah, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor, Assam.
- 2)** On perusal of the case record, it appears that the petitioner was arrested on 29.03.2024 in connection with Belsor P.S. Case No. 45/2024 and thereafter, by order dated 05.04.2024, he was allowed to go on interim bail by this Court, on the ground that the mandate of issuing notice under Section 41A of the Code of Criminal Procedure, 1973 has not been followed in this case.
- 3)** The learned counsel for the petitioner has submitted that on the very next day of grant of interim bail by this Court, the petitioner has been released on bail by the Court of learned Chief Judicial Magistrate, Nalbari in pursuant to the direction of this Court and since then, the Investigating Officer has never approached him for questioning with regard to the Belsor P.S. Case No. 45/2024.
- 4)** The learned counsel for the petitioner has submitted that the petitioner has not violated any of the condition on which he was granted interim bail and he is ready and willing to cooperate in the investigation of Belsor P.S. Case No. 45/2024.
- 5)** On the other hand, learned Additional Public Prosecutor has produced the case diary of Belsor P.S. Case No. 45/2024 for perusal of this Court.
- 6)** On perusal of the case diary, it appears that the Investigating Officer

has examined seven (07) numbers of witnesses and recorded their statement under Section 161 of the Code of Criminal Procedure, 1973.

7) The learned Additional Public Prosecutor also submits that though the petitioner was in custody for more than a week, however his statement under Section 161 of the Code of Criminal Procedure, 1973 has not yet been recorded.

8) Considering all the attending facts and circumstances of this case as well as considering materials in the case diary and the fact that the petitioner has not violated any of the condition imposed on him, while he was granted the interim bail by this Court, the interim bail granted to the above-named petitioner by order dated 05.04.2024 is hereby made absolute with condition Nos. 1 and 2 attached to the said order remaining intact.

9) Let a copy of this order be sent to the Investigating Officer of Belsor P.S. Case No. 45/2024.

10) With the above observation, this bail application is disposed of.

JUDGE

Comparing Assistant