

GAHC010068942023



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

Case No. : AB/1193/2023

ALIHUSSAIN ALI
S/O LATE BAPKAN ALI
R/O VILL- NIZ NIZ CHAL CHALI (JALAH), RAM TILA ATI, P.S. SAMAGURI,
DIST. NAGAON, ASSAM, PIN-782141

VERSUS

THE STATE OF ASSAM, REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S S S RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 04-01-2024

Heard Mr. M. R. Sodial, learned counsel for the applicant and also heard Mr. R. J. Barua, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Samaguri P.S. Case No.06/2023, under Sections 341 /326 /392/ 302/34 IPC, this application under Section 438 Cr. P. C. is preferred by applicant, namely, Alihussain Ali for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Marzina Khatun on 03.01.2023.

The essence of allegation made in the FIR dated 03.01.2023, is that on the night of 30.12.2022, at about 10 PM her husband Sahidul Islam alongwith Hafiz Uddin and Abu Siddique proceeded towards Chalchali to know the wellbeing of their relatives in their vehicle and at Ram Tila Ati in Chalchali, the village defence party stopped them and robbed their mobile phone and money and also injured her husband by means of sharp object for which her husband suffered demise and also injured one Hafiz Uddin Ahmed, who was undergoing treatment at Nagaon Civil Hospital.

The learned counsel for the applicant submits that this Court was pleased to extend the privilege of interim pre arrest bail to the applicant, vide order dated 01.06.2023, and pursuant to said order, the applicant had appeared before the I.O, and he has been extending cooperation with the investigating agency and therefore, the learned counsel for the applicant contended to make the interim order, dated 01.06.2023, absolute, in the same terms and condition.

Whereas, Mr. R.J. Barua, learned Addl. P.P. has produced the case diary before this Court and submits that the applicant had appeared before the I.O. and his statement is also recorded, pursuant to order dated 01.06.2023. But Mr. Barua submits that the witnesses examined so far have implicated the present accused with the offence alleged in the FIR and therefore, Mr. Barua has opposed the petition

Having heard the submission of learned Advocates of both sides, I have carefully perused the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P.

It is not in dispute that pursuant to order of this Court, dated 01.06.2023, the applicant had appeared before the I.O. and his statement is recorded and he has been cooperating with the investigating agency. Further, it appears that the I.O. has achieved substantial progress in the investigation of the case and now the case is pending for arrest of some of the co-accused.

In view of progress of investigation and also in view of the cooperation, being extended by the applicant to the investigating agency, custodial interrogation of the

applicant seems to be not warranted, in the interest of investigation. And accordingly, interim order dated 01.06.2023, is hereby made absolute on the same terms and condition.

In terms of the above this A.B stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant