

GAHC010072562024



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

Case No. : AB/925/2024

SHORIFUL ISLAM
S/O SIRAJUL ISLAM, R/O VILL- AHMEDPUR BLOCK, P.S.-BIHPURIA, P.O.-
KUTUBPUR, DIST- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR Z KAMAR
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

29.05.2024

Heard Mr. S. J. Sahariah, learned counsel for the applicant. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State.

By this second application under Section 438 Cr.P.C, the applicant namely, **Shoriful Islam**, has prayed for granting pre-arrest bail apprehending arrest in connection with Bihpuria PS Case No. 119/2023, corresponding to GR Case No. 626/2023 under Sections 166A/420/406/409 of IPC.

The present applicant has earlier approached this Court by filing AB No.

2459/2023 along with other accused person. However, such prayer of the present applicant was rejected. Accordingly, the present application is filed for the second time.

This Court vide order dated 24.04.2024 had granted interim protection to the applicant, while calling for case diary.

The case diary is received. Perused the same.

Pursuant to the interim protection granted by this Court under its order dated 24.04.2024, the applicant appeared before the I.O. and got his statement recorded.

The co-accused, namely, Ajida Begum had also approached this Court earlier. Such application filed under Section 438 of Cr.P.C., was rejected by this Court under its order dated 08.09.2023 passed in AB/2459/2023. However, on a Special Leave to Appeal (Crl) No. 15075/2023 being filed, the Hon'ble Apex Court had granted anticipatory bail to the said co-accused.

The petitioner is also in the similar footing, as well as the role of the petitioner in the commission of the alleged offence is also similar to that of the said Ajida Begum. As the Ajida Begum had been granted anticipatory bail by the Hon'ble Apex Court, this Court is of the view that the petitioner is also entitled for such relief.

Therefore, in the totality of the matter, the interim protection granted under order dated 24.04.2024 is made absolute with the same terms and condition.

Accordingly, this bail application stands disposed of.

Return back the case dairy.

JUDGE

Comparing Assistant