

GAHC010074092024



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

Case No. : AB/969/2024

MUSHTAQ AHMED
S/O FAIZUDDIN AHMED, R/O HOUSE NO. 2, BIRINA PATH, JANAKPUR,
KAHILIPARA, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 26.04.2024

Heard Mr. S.C. Biswas, learned counsel for the applicant and Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Dispur P.S. Case No. 10/2024, under Section 498(A) of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, Mushtaq Ahmed

for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged by one Mehdiya Sirin Ali, on 03.01.2024. The essence of allegations made in the FIR is that the informant got married with one Mushtaq Ahmed on 04.12.2023, and thereafter, they have started living together as husband and wife in the matrimonial home and after the marriage she was subjected to torture, both mentally and physically and demanded dowry by her husband and her in-laws.

4. Mr. Biswas, learned counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail, vide order dated 10.04.2024, and pursuant to the said order, he had also appeared before the I.O. and his statement had also been recorded, and since he has been cooperating with the investigating agency, Mr. Biswas has contended that the interim order dated 10.04.2024, may be made absolute in the same terms and conditions.

5. On the other hand, Ms. Begum, the learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the applicant had appeared before the I.O. and his statement had been recorded. Further, Ms. Begum submits that investigation is still going on.

6. Having heard the submission of learned Advocates of both sides, I have gone through the application and the documents placed on record and also perused the case diary with the assistance of Ms. Begum, learned Addl. Public Prosecutor.

7. It appears that the applicant has appeared before the I.O. and also cooperating with the investigating agency. In view of the above and also in view of the materials collected so far in the case diary and also the stage of investigation, custodial interrogation of the applicant, in the interest of

investigation, seems to be not warranted here in this case.

8. Accordingly, the interim order dated 10.04.2024, is hereby made absolute in the same terms and conditions.

9. In terms of above, this application stands disposed of.

10. Case diary be returned.

JUDGE

Comparing Assistant