

GAHC010077482024



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

Case No. : AB/1021/2024

SADDAM BANIYA AND 6 ORS.
S/O ABDUR ROUF BANIYA
R/O VILL- GORAIMARI, P.S. AND DIST. BONGAIGAON, ASSAM

2: MUSLIM UDDIN AHMED
S/O ALIMUDDIN AHMED

VILL- GORAIMARI P.S. AND DIST.
BONGAIGAON ASSAM

3: AYNAL HOQUE
S/O JARIBULLA SHEIKH
VILL- MONAKHOSHA
P.S. MANIKPUR
DIST. BONGAIGAON ASSAM

4: SHAJAMAL BANIYA
S/O UJAD ALI BANIYA
VILL- GORAIMARI P.S. AND DIST.
BONGAIGAON ASSAM

5: NURMAHAMMAD SHEIKH
S/O LATE SAMSUL SHEIKH
VILL- GORAIMARI P.S. AND DIST.
BONGAIGAON ASSAM

6: ROFIKUL BANIYA
S/O ABDUR ROUF BANIYA

VILL- GORAIMARI P.S. AND DIST.
BONGAIGAON ASSAM

7: MANJUR RASID AHMED
S/O LATE ABDUS SAMAD AHMED

VILL- NO. 1 NACHANGURI
P.S. MANIKPUR
DIST. BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

03.06.2024

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioner, namely, **Saddam Baniya**, apprehending arrest in connection with **Bongaigaon P.S. Case No. 121/2024** registered u/s **120B/379/411/413** of the IPC read with Section 23 of Petroleum Act.

The Case diary, as called for, is placed before the Court.

It may be mentioned that by order, dated 13.05.2024, this Court granted the privilege of interim pre-arrest bail to the petitioner subject to conditions.

Mr. R. J. Baruah, learned Addl. Public Prosecutor, submits that the case diary shows that the petitioner appeared before the investigating officer and got his statement recorded under Section 161 Cr.P.C. in terms of the interim pre-arrest

bail granted earlier. This Court finds that custodial interrogation of the petitioner may not be necessary in the interest of the ongoing investigation into the case.

Accordingly, the interim pre-arrest bail granted vide order, dated 13.05.2024 is hereby made absolute, subject to the following conditions-

- (i) That the petitioner shall co-operate in investigation as and when required; and
- (ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

Return the case diary.

This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant