

GAHC010083052024



2024:GAU-AS:11204

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

Case No. : AB/1076/2024

NOWSAD ALI @ NAUSHAD ALI
S/O- LATE KHARITULLAH SK @ FARITULLAH SK, VILL.-
MADHUSOULAMRI PART-II, P.O. GAURIPUR, P.S. GAURIPUR, DIST.-
DHUBRI, ASSAM, PIN- 783331

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. SURAJIT DAS, MR. J ABBAS, MR SARFRAZ NAWAZ, MR S
A BARBHUYAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

18-11-2024

Heard Mr. S Das, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. Pursuant to the order of the Court dated 08.11.2024, both the Officer-in-Charge of Gouripur Police Station, namely, Jitumoni Baishya as well as the concerned I.O. of Gouripur P.S. Case No. 69/2024, namely, Mr. Habibur Rahman are personally present before the Court today.

3. The petitioner, namely, **Newsad Ali @ Naushad Ali**, apprehending his arrest, has filed this application under Section 438 of the CrPC, seeking pre-arrest bail in Gouripur P.S. Case No. 69/2024 registered under Sections 120-B/420/384/387 of IPC read with Section 7C (2) of the Assam Money Lenders (Amendment) Act, 1968 corresponding to G.R. No. 223/2024.
4. The Court by order dated 26.04.2024 while granting interim bail to the petitioner, named above, in said Gouripur P.S. Case No. 69/2024 called for the case diary, fixing the matter after three weeks.
5. However, on 10.06.2024, 29.07.2024, 22.08.2024, 09.09.2024, 26.09.2024 and 29.10.2024, the relevant case diary was not placed before the Court and the interim bail granted to the petitioner earlier on 26.04.2024 was extended.
6. On 29.10.2024, the Court passed an order directing personal appearance of the concerned I.O. of said Gouripur P.S. Case No. 69/2024, fixing the matter on 08.11.2024.
7. 08.11.2024, the concerned I.O. of Gouripur P.S. Case No. 69/2024, Mr. Habibur Rahman was personally present before the Court and on the said date, for the first time it was placed before the Court that Charge-Sheet in said Gouripur P.S. Case No. 69/2024 was submitted way back on 29.04.2024.
8. On being enquired, the Deputy Commissioner of Police, East, Kamrup Metro who was present before the Court on that date pursuant to the order of the Court passed in a different proceeding, submitted that signals are sent to the Officer-in-Charge of the concerned Police Station for the relevant case diary and that is applicable to all the Police Stations of the State of Assam.
9. Finding that the intimation was given to the Officer-in-Charge of Gouripur Police Station for the relevant case diary of said Gouripur P.S. Case No. 69/2024 and in spite of such orders of the Court it was not placed before the Court on time, the Court by order dated 08.11.2024 directed the personal appearance of the Officer-in-Charge of Gouripur Police Station as well as the concerned I.O. of said Gouripur P.S. Case No. 69/2024.
10. During the deliberation of the matter, Mr. K K Parashar, learned APP, Assam, on instruction from the O.C. of Gouripur Police Station as well as the concerned I.O. of the case, submitted that after filing of the Charge-Sheet in the case on 29.04.2024, the I.O. of Gouripur P.S. Case No. 69/2024 was under reserve closed and as such, the concerned I.O. did not receive the

information regarding the relevant case diary.

11. The Officer-in-Charge of Gouripur Police Station present before the Court today through the APP, Assam submitted that earlier intimation was sent to the office of the Public Prosecutor, Gauhati High Court regarding filing of the Charge-Sheet in said Gouripur P.S. Case No. 69/2024 submitted on 29.04.2024 with the endorsement 'seen' by the learned Sessions Judge, Dhubri on 14.05.2024. However, due to inadvertence, the office of the Public Prosecutor, Gauhati High Court could not place it before the Court on the dates fixed.

12. Both, the Officer-in-Charge of Gouripur Police Station, namely, Jitumoni Baishya as well as the concerned I.O. of Gouripur P.S. Case No. 69/2024, namely, Mr. Habibur Rahman through the APP, Assam has submitted that henceforth they will comply with the orders of the Court and shall submit the case diaries/reports to the Court at the earliest as and when they are sought for.

13. Considering their such submissions, personal appearance of the Officer-in-Charge of Gouripur Police Station, namely, Jitumoni Baishya as well as the concerned I.O. of Gouripur P.S. Case No. 69/2024, namely, Mr. Habibur Rahman is dispensed with.

14. As after completion of investigation of the case Charge-Sheet in said Gouripur P.S. Case No. 69/2024 has already been filed, the Court by order dated 08.11.2024 directed the petitioner to approach the appropriate authority/forum on or before 18.11.2024 for his regular bail, extending the interim bail granted to him till 18.11.2024 and this pre-arrest bail application was kept pending only for the personal appearance of the concerned Officer-in-Charge as well as Investigating Officer of the case.

15. With the above observation, this pre-arrest bail application stands closed.

JUDGE

Comparing Assistant