

GAHC010087942024



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

Case No. : AB/1140/2024

MOYNAL HOQUE AND ANR.
S/O ISLAM UDDIN
R/O VIL- GERAMARI PT. V,
P.S. GAURIPUR
DIST. DHUBRI, ASSAM

2: ANAMUL HOQUE @ JALKO
S/O MOYNAL HOQUE
R/O VIL- GERAMARI PT. V

P.S. GAURIPUR
DIST. DHUBRI
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 MITALI THAKURIA

ORDER

21.05.2024

Heard Mr. M. Khan, learned counsel for the petitioners. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure praying for grant of pre-arrest bail to the accused/petitioners, who are apprehending arrest in connection with Gauripur P.S. Case No. 99/2024, under Sections 120B/147/ 148/353/325/307/34 of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. D. Das, learned Additional Public Prosecutor, that the statements of the accused/petitioners are not available in the Case Diary and accordingly, he is not in a position to say as to whether the accused/petitioners co-operated in the investigation of this case or not. However, he submitted that considering the materials available in the Case Diary, it is seen that there is no personal accusation against the present accused/petitioners and hence, with a further direction, they may be directed to appear before the I.O.

In this context, Mr. M. Khan, learned counsel for the petitioners, that as per the instruction of his client, both the accused/petitioners appeared before the I.O. on the 9th day after the interim pre-arrest bail was granted to them and their statements were also recorded. Further he submitted that if the statements of the accused/petitioners are not available in the Case Diary, they

are ready and willing to appear before the I.O. and ready to co-operate in the investigation of this case.

Considering the submissions made by the learned counsels for both sides, materials available in the Case Diary and other aspects of the case, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioners. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioner vide order dated 03.05.2024, is hereby made absolute in the same terms and conditions.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant