

GAHC010090552024



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

Case No. : AB/1199/2024

SOWKHATUL ISLAM BORA
S/O SORIFUL ISLAM BORA, R/O A.T ROAD, DIKAM BAZAR, P.O.-DIKAM,
P.S.-CHABUA, DIST- DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N HASAN

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

10. 06. 2024

Heard learned counsel for the parties.

By this application under Section 438 Cr.P.C., the petitioner, namely, Sowkhatul Islam Bora seeking pre-arrest bail in connection with Nalbari PS case No. 286/2023 under Section 420/506 IPC.

This court vide order dated 30.05.2024, while calling for the case diary of Nalbari PS case No. 286/2023 had also called for the case diary of Paneri PS case No. 68/2023. The aforesaid Paneri PS case No. 68/2023 was registered on the basis of an FIR filed by the present petitioner against the informant and his associates. Subsequently, after completion of investigation, charge-sheet has been filed in the aforesaid case.

Perused the case diary and the material available on record. The material so far collected by the investigation officer shows that there were financial transaction between the parties. The material collected also suggests that there was dispute as regards non-return of certain amount by the accused.

Considering the material so far collected and stage of investigation, this court is of the view that the present case does not warrant custodial interrogation of the petitioner.

In view of the aforesaid, the present bail application stands allowed. Accordingly, in the event of arrest of the petitioner above named, in connection with the case aforementioned, he shall be released on bail on furnishing bail bond of Rs.25,000/- with a suitable surety of the like amount, to the satisfaction of arresting authority. The pre-arrest bail is granted on the following conditions:

- (1) The petitioner shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,
- (2) The petitioner shall not hamper with the investigation, or tamper with the evidence of the case,
- (3) 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,

(4) The petitioner shall appear before the Officer-in-charge, Nalbari PS within 7(seven) days from today,

(5) The petitioner shall continue to appear before the Investigating Officer of the above mentioned case after every 10(ten) days from the date of first appearance till such time the attendance is dispensed with by the said investigating officer.

Bail application stands disposed of. Return back the case diary.

JUDGE

Comparing Assistant