

GAHC010097422024



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

Case No. : AB/1292/2024

HASIBUL ISLAM
S/O ABDULHAKIM
VILL- AHMEDPUR BLOCK
P.O. KUTUBPUR
P.S. BIHPURIA
PIN--787054
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M RAHMAN
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

21.06.2024

Heard Mr. O. Ullah, learned counsel for the petitioner. Also heard Ms. M. Das, learned APP for the State respondent.

This is an application under Section 438 of CrPC, 1973 seeking anticipatory bail to the petitioner i.e. **Hasibul Islam**, who are apprehending arrest in connection with **Nagaon PS Case No. 39/2024 registered under Section**

120(B)/420/406 /386 of IPC.

The case of the prosecution is that on 08.01.2024 one FIR was lodged alleging *inter alia* that on 08.01.2024 an information was received from a source of Additional SP(Crime), Nagaon that there is transportation of fake gold going on at Choto Rupahi area and on arriving at the said location, the informant and the staff searched the house and recovered one suspected to be fake gold and found weight to be 1.664 kg from the possession of one Ali Hussain. It is further alleged that during investigation it came to light that one of the apprehended accused namely, Faizul Islam used to transport innocent victims using his tempo to the other accused namely, Sadikul Islam. It was further alleged that one Rashidul Hoque is the key person who allegedly organized the gang and supplied the fake gold. Accordingly, the case was registered.

Mr. O. Ullah, learned counsel for the petitioner submits that the petitioner is not named in the FIR. He further submits that the petitioner has been wrongly implicated in the offence and he is no way involved in the same offence alleged.

Ms. M. Das, fairly submits that there is no sufficient material available in the case diary against the petitioner.

I have considered the submissions made at the bar and I have perused the materials available on records.

It appears that there are no adverse materials at this stage available against the petitioner.

Considering the facts and circumstances of the case, this Court is of the considered view that custodial interrogation may not be necessary for the

ongoing investigation.

Accordingly, it is provided that in the event of arrest, the petitioner named above, shall be released on pre-arrest bail in connection with the above noted case, on furnishing bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:-

i) That the petitioner shall appear before the Investigating Officer within 15 days, failing which on and from the 16th day, the interim-pre arrest bail order shall have no force;

ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer.

iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

With the above observations and directions, the Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant