

GAHC010104032024



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

Case No. : AB/1356/2024

JEYABUR RAHMAN @ JIABUR
S/O KASHEM ALI, R/O VILL - NO.1, BESAPOTI, LALUK, P.S.-LALUK, DIST-
LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. H S BORAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

17.09.2024

1. Heard Mr. H.S. Borah, learned counsel for the petitioner. Also heard Ms. N. Das, learned Additional Public Prosecutor appearing for the State of Assam.

2. The learned counsel for the petitioner has submitted that the

petitioner was allowed to go on interim bail, by this Court, by order dated 28.05.2024 with certain conditions. He also submits that the counsel is unable to contact the petitioner and therefore, not in a position to inform this Court as to whether he had complied with the conditions attached to the said interim bail order of appearing before the Investigating Officer within 10(ten) days from the date of the said order.

3. On the other hand, Ms. N. Das, learned Additional Public Prosecutor has produced the case diary of North Lakhimpur P.S. Case No. 56/2024 and has submitted that on perusal of the case diary, nowhere it appears that the petitioner has appeared before the Investigating Officer. She also submits that she has telephonically spoken to the Investigating Officer, who has informed that the petitioner has not appeared before the Investigating Officer. It appears that the petitioner has not complied with the conditions attached to the interim bail granted to him by this Court, by order dated 28.05.2024.

4. In view of the above, the interim bail granted to the petitioner is hereby vacated.

5. I have gone through the case diary. There are sufficient incriminating materials against the petitioner in the case diary, which does not justify granting of protection to the petitioner under Section 438 of the Code of Criminal Procedure, 1973 at this stage.

6. Hence, the prayer for anticipatory bail is rejected.

7. Send back the case diary.

JUDGE

Comparing Assistant