

GAHC010116962023



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

Case No. : AB/1913/2023

MURTAZA ADIL
S/O LATE SYED TOMIZUR RAHMAN
R/O HOUSE NO. 4, SURUJUMKHI PATH,
R.G. BARUAH ROAD,
GUWAHATI, ASSAM-781024

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR F KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

15.02.2024

Heard Mr. A. Mena, learned counsel appearing on behalf of Mr. F. Khan, learned counsel for the applicant and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Mikirbheta P.S. Case No.90/2023, under Section 120(B)/406/420/468 IPC, read with Section 66(C)/66(D) of the I.T. Act, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Syed Murtaza Adil, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by ASI Khorsing Terang on 07.04.2023. The essence of allegation made in the aforesaid FIR is that acting on a tip off on 06.04.2023 the informant and other police staff intercepted one Wagonr, bearing Registration No.AS-01EY-7385, and having checked the vehicle, they have recovered 384 nos. of ATM card, 5 nos. of mobile handset, 2 nos. of calculator from four persons, namely, Masud Ahmed, Mubarak Hussain, Taskir Ahmed and Saddam Hussain and accordingly, seized the same in presence of witnesses, and during interrogation they have disclosed that they have collected the ATM cards from various persons and withdrawn money through those ATM cards and it was suspected that those ATM cards were collected by means of forgery.

4. Mr. Mena, learned counsel for the applicant submits that this Court vide order dated 01.06.2023, was pleased to extend the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. on 03.06.2023 and his statement is also recorded and he has been cooperating with the investigating agency and therefore, a contention is being made that the interim order dated 01.06.2023, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and confirmed appearance of the applicant before the I.O. and submits that the I.O. has achieved significant progress in the investigation of this case.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Lahkar, learned Additional P.P.

7. The case diary indicates that the I.O. has achieved substantial progress in the investigation of this case. Besides, the applicant has been cooperating with the investigating agency and he has appeared before the I.O. and his statement is also recorded. In that view of the matter, custodial interrogation of the applicant seems to be not warranted here in this case and accordingly, this Court is inclined to make the interim order dated 01.06.2023, absolute, in the same terms and conditions. Case diary be returned.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant