

GAHC010118162024



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

Case No. : AB/1537/2024

ABDUL BATEN KHAN
S/O LT. AYEJUDDIN KHAN, R/O JOPEA BORAICHALA, P.O.-MADRASSA
PARA, P.S.-MERERCHAR, DIST- BONGAIGAON, ASSAM, PIN- 783384

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR J ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 22.07.2024

Heard Mr. H. R. A. Choudhury, learned Senior Counsel assisted by Mr. J. Islam, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who has been apprehending arrest in connection with Abhayapuri P.S. Case No. 141/2024, under Section 379/34 of the Indian Penal Code.

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

It is submitted by Mr. H. R. A. Choudhury, learned Senior Counsel for the petitioner, that the present accused/petitioner is innocent and he is no way connected in the alleged offence. However, after obtaining the interim pre-arrest bail, the accused/petitioner has already appeared before the I.O. and co-operated in the investigation of this case. He is still ready and willing to co-operate with the I.O. in the further investigation of this case if he is granted with the privilege of pre-arrest bail and accordingly, it is prayed to make the interim pre-arrest bail order absolute.

In this context, Mr. Sharma, learned Additional Public Prosecutor, has submitted that the accused/petitioner has already appeared before the I.O. and his statement is also recorded under Section 161 Cr.P.C. and considering the materials available in the Case Diary, his prayer may be considered.

After hearing the submissions made by the learned counsels of both sides and also considering the entire aspects of the case, nature of allegation as well as the conduct of the accused/petitioner, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioner vide order dated 12.06.2024, 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