

GAHC010122542023



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

Case No. : AB/2029/2023

MD. EYASIN ALI
S/O- LATE MOHIM ALI,
R/O- VILL- SANIADI,
P.S. HAJO, DIST.- KAMRUP,
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MS. S K NARGIS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

10.06.2024

Heard Ms. S. Begum, 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 Hajo P.S. Case No.791/2020 under Section 120B/147/148/341/294/325/307/379 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Eyasin Ali, for grant of pre-arrest bail.

3. It is to be noted here that the above-noted case has been registered on the basis of an FIR lodged by one Saleha Khatun, Sukur Ali, Riyaz Ali, Bishal Hussain and Aminul Ali, on 10.08.2020. The essence of allegation made in the aforesaid FIR is that on 08.08.2020 while they were returning home from Barpeta Sarthebari in their vehicle, bearing Registration No.AS-25DC-5607, then at about 4:00 p.m. one Eyasin Ali, Yakub Ali, Sanful Ali, Ismail Ali, Laden Ali, Bolla Ali and Saifu Ali are wrongfully restrained them on the road and rebuked them with abusive words and assaulted them being armed with dao, dagger, lathi and jathi and also attempted to kill them by pressing their neck with rope and stolen a sum of ₹ 20,000/- and 6 nos. of mobile phone from them.

4. Ms. Begum, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail, vide order dated 09.06.2023 and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, Ms. Begum contended that the interim order dated 09.06.2023, may be made absolute, in the same terms and conditions.

5. Whereas, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, submits that though he was directed to produce the injury report of the victim, yet, he has not received the same and the I.O. has prayed for one week's time to produce the same.

6. But, having gone through the record, I find that this pre-arrest bail application was filed on 06.06.2023 and since then more than one year elapsed. The record indicates that ample opportunities were afforded to the prosecution side to produce the injury report of the victim. But, the same could not be produced before the Court.

7. On the other hand, the applicant had appeared before the I.O. and cooperating with the investigating agency. In that view of the matter, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, this Court is inclined

to make the interim order dated 09.06.2023, absolute, in the same terms and conditions.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant