

GAHC010129062024



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

Case No. : I.A.(CrI.)/602/2024
In AB/490/2024

DR. EYAQUB ALI AHMED
S/O LATE SAHED ALI, RESIDENT OF MOZABARI, PS SIDLI, DIST CHIRANG,
BTR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR A K BHUYAN
BIPASHA BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

26.06.2024

Heard Mr A K Bhuyan, learned Senior Counsel for the applicant, Dr Eyaqub Ali Ahmed, who has filed this application to extend the anticipatory bail till the matter is committed before the committal Court or till the committal proceeding is over.

2. It is submitted on behalf of the applicant that vide order dated 28.02.2024, this Court granted interim pre-arrest bail to the applicant in connection with Kajalgaon PS

Case No. 18/2024, under Sections 406/376 (2) (e) of the Indian Penal Code, 1860. Thereafter, this case was fixed for Case Diary, but meanwhile, charge sheet was submitted against the applicant. Charge sheet was laid against the applicant and vide order dated 11.06.2024, the applicant was directed to approach the jurisdictional Court within 20 days and apply for bail, which would be considered by the Court as per law.

3. The applicant is apprehending that he will be forwarded to custody by the committal Court. He has approached this Court for extending the anticipatory bail, till the matter is committed before the committal Court or till the committal proceeding is over.

4. Heard Mr P Borthakur, learned Additional Public Prosecutor for the State of Assam.

5. The learned Additional Public Prosecutor has raised objection stating that there is no such apprehension that the applicant will be forwarded to custody. The order dated 11.06.2024 clearly reflects that the jurisdictional Court may consider any bail petition preferred by the applicant, as per law. The applicant was also granted 20 days' time to apply for bail.

6. It is further submitted on behalf of the applicant that he was granted bail because it was observed by the Court vide order dated 28.02.2024, that the submissions on behalf of the applicant that he had a love relationship with the victim was taken into consideration and on finding sufficient materials to grant interim bail, the order of interim bail was passed and now, the applicant cannot be forwarded to custody on the

strength of the order dated 11.06.2024.

7. I have considered the submissions at the Bar with circumspection.

8. In the wake of the foregoing discussions, I deem it fit and proper to modify the order dated 11.06.2024. The interim bail vide order dated 28.02.2024 and the extension of the interim order vide 11.06.2024, will continue, till the aforementioned case is committed to the learned trial Court.

9. In terms of the above observations, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant