

GAHC010129842024



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

Case No. : AB/1669/2024

MOIZUL HOQUE
S/O ABDUL HASIM
R/O VILL- KUTUBPUR
P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM
PIN-787054

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MAHIBUR RAHMAN, MS. NISHA BEGUM, MS ASFIA
AHMED, MR AZIZUR RAHMAN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

22.10.2024

Heard Mr. M. Rahman, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

It is informed by the learned counsel for the petitioner that despite sending a signal on 24.09.2024, the IO did not take back the Case Diary; hence, the updated Case Diary has not yet been received from the concerned IO.

In this regard, Mr. Rahman, learned counsel for the petitioner, has submitted that after obtaining interim pre-arrest bail, the petitioner appeared before the IO on 04.08.2024, and his statement was recorded under Section 161 of the Cr.P.C. He further submits that some other co-accused persons have already been released on bail in connection with this case. The petitioner is ready and willing to cooperate in the further investigation if his interim pre-arrest bail is extended, and he affirms his readiness to abide by any conditions imposed on him.

In this context, Mr. Parasar, learned Additional Public Prosecutor, has submitted that although the statement of the petitioner is not available in the record, the Case Diary indicates that the victim sustained minor injuries and that some co-accused persons have been released on bail. Accordingly, he submits that the petitioner may be allowed to go on pre-arrest bail with certain conditions.

After hearing the submissions of learned counsels for both sides and considering the materials available in the Case Diary as well as the injury report of the victim, I find it appropriate to extend the privilege of pre-arrest bail to the accused/petitioner. Therefore, the interim pre-arrest bail granted to the accused/petitioner vide order dated 29.07.2024, is hereby made absolute, with a direction to co-operate with the IO

in the further investigation of the case.

In light of the above, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant