

GAHC010134052024



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

Case No. : AB/1736/2024

SUBAR ALI
S/O SUBAHAN ALI , R.O- NO. 5 BHANDARA, P/S- MANIKPUR, DIST-
BONGAIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM,
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR S HOQUE, MR. R ALOM,MR. M ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 13-08-2024

Heard Mr. S. Hoque, learned counsel for the petitioner Subar Ali, who has filed this application under Section 438 of the Code of Criminal Procedure, 1973 with prayer for pre-arrest bail as he is apprehending arrest in connection with Manikpur Police Station Case No. 83/2024 under Sections 120B/342/384/214 of the Indian Penal Code, 1860 (IPC for short).

2. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
3. The allegation against the petitioner is that the informant was accused of indulging in illegal lottery and he was called to the Gerukabari Police Station. Then when the informant went to the Gerukabari Police Station, the petitioner acted as a middleman and he tried to help the informant by assisting him. He also advised the informant to pay Rs.30,000/- (Rupees Thirty Thousand) to the Investigating Officer. Aggrieved by the conduct of the police and the petitioner, the informant lodged an FIR at Manikpur Police Station.
4. It is submitted on behalf of the petitioner that no case under Section 384 of the IPC or 342 of the IPC has been made out against the petitioner as the informant was not confined by the petitioner nor there was any allegation of extortion against the petitioner.
5. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary.
6. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary. Investigation has progressed to a considerable extent. It appears that custodial interrogation may not be required. The petitioner is willing to cooperate with the remaining part of the investigation and to abide by any stringent bail conditions if imposed upon him. The petitioner is a local resident and he is not a flight risk.
7. In view of my foregoing discussions, petition is allowed.
8. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the arresting authority under the

conditions that:

- (i) Petitioner shall refrain from such activities with which he is alleged.*
- (ii) Petitioner shall appear before the Investigating Officer within one week and cooperate with the investigation.*
- (iii) Petitioner shall not leave the jurisdiction of the Court without prior permission.*

9. On breach of any of the bail conditions, bail order shall stand cancelled.

10. In terms of the above observations, this Anticipatory Bail application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant