

GAHC010138672024



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

Case No. : AB/1796/2024

ABDUL SAHID
S/O MOHAMMAD ABDUL RASID, R/O PIRU LINE ROAD GAON, LEDO, P.S.-
MARGHERITA, DIST- TINSUKIA, ASSAM-786182

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R SALOI, MS. B SOREN, MR P DOLEY, MS M
ZOMUANPUII, MR J SINGH, MR H AGARWAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

28.08.2024

Heard Ms. B. Soren, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor.

This petition under Section 482 BNSS and 438 of the Cr.P.C. is filed for granting the privilege of pre-arrest bail to the petitioner, namely, **Abdul Sahid**, apprehending arrest in connection with **Margherita P.S. Case No. 75/2024**

(G.R. No. 210 of 2024) registered u/s **379** of the IPC r/w Section 3 of the Prevention of Damage to Public Property Act, 1984.

The Case diary, as called for, is placed before the Court.

It may be mentioned that by order, dated 05.08.2024, this Court granted the privilege of interim pre-arrest bail to the petitioner subject to conditions.

Mr. R. J. Baruah, learned Addl. Public Prosecutor, submits that the case diary shows that the petitioner appeared before the investigating officer and got his statement recorded under Section 161 Cr.P.C. in terms of the interim pre-arrest bail granted earlier. However, he submitted that there is incriminating materials in the case diary against the present petitioner and objected in granting bail.

I have heard the learned counsel for both the parties also perused the case diary.

From the case diary it appears that the petitioner is cooperating with the investigation. There is no allegation made by the I/O that the petitioner has made any such hindrance to investigate the case. Under such backdrop, this Court does not find that custodial interrogation of the petitioner is required for the purpose of investigation of the case.

In view of above, the interim pre-arrest bail granted vide order, dated 05.08.2024 is hereby made absolute, subject to the following conditions-

- (i) That the petitioner shall co-operate in investigation as and when required; and
- (ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

State is at liberty to approach before this Court for cancellation of bail if found his involvement in any other case in similar type of offence.

Return the case diary.

This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant