

GAHC010158822024



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

Case No. : AB/2103/2024

ANOWAR HUSSAIN
S/O LT. ABDUL HAMID SK.
VILL- SUAPATA PT.V,
PO. SUAPATA
P.S. BILASIPARA,
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA, MR M AHMED, MRS R BEGUM, MR R A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

04.10.2024

1. Heard Mr. N. J. Dutta, learned counsel for the petitioners. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State of Assam.

2. The petitioner, namely, **Anowar Hussain**, has approached this Court for the second time by filing this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying for grant of pre arrest bail who is apprehending arrest in connection with Bilasipara P.S. Case No. 62/2024 under Section 364(A) of IPC.
3. This Court after perusal of the case diary rejected such prayer of the present petitioner along with two other co-accused persons namely Azad Ali & Siddik Ali, for grant of pre arrest bail under its order dated 22.04.2024 passed in AB/882/2024, after finding sufficient incriminating materials against the petitioners.
4. It is submitted at the bar that the two co-accused persons namely, **Azad Ali & Siddik Ali** have already been arrested.
5. Under its order dated 19.08.2024, this Court had again called for the case dairy. Accordingly, the case diary has been produced by the learned Additional Public Prosecutor today.
6. This Court has once again gone through the case diary. The case diary as well as the statement of the witnesses recorded by the I.O., and from the material available on the updated case diary, it is seen that, there are certain financial dispute between the informant and said co-accused namely, **Azad Ali & Siddik Ali** and victim was kept confined and allegedly money advanced by the said accused to the petitioner was demanded. It is also suggestive from the record that the accused petitioner namely **Anowar Hussain** is the neighbor of the informant and his role is suggestive of providing information as regards the residence of the victim.
7. Considering the matter in entirety and stage of investigation as well as the statement of the co-accused, this court is of the opinion that the custodial interrogation of the present petitioner may not be necessary.
8. Accordingly, it is hereby provided that, in the event of arrest, the petitioner, namely, **Anowar Hussain** shall be allowed to go on pre-arrest bail on furnishing a bond of Rs. 20,000/- with one local surety of like amount to the satisfaction of the arresting authority.

The interim pre-arrest bail is granted on the following conditions:

- I. The petitioner shall appear before the Officer in Charge of Bilasipara P.S within 10 (ten) days from today to get his statements recorded,
- II. The petitioner shall not hamper with the investigation, or tamper with the evidence of the case,
- III. 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.

This bail application stands disposed of. Case diary be returned back.

JUDGE

Comparing Assistant