

GAHC010159022023



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

Case No. : AB/2582/2023

NEAMUL HUSSAIN
S/O ABU TALEB AZAD
VILL- PUTUAKATA
PS.. LAHARIGHAT
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

02.02.2024

Heard Mr. A. Ahmed, learned counsel for the applicant and also heard Ms. A. Begum, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Mikirbheta P.S. Case No.90/2023, under

Section 120(B)/406/420/468 IPC, read with Section 66(C) and 66(D) of the I.T. Act, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Neamul Hussain, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by A.S.I. Khorsing Terang of Mikirbheta P.S. on 07.04.2023. The essence of allegation made in the aforesaid FIR is that acting on a tip off, on 06.04.2023, at about 8:30 p.m. the informant along with other police staff have intercepted one vehicle, bearing Registration No.AS-01EY-7385 and found 4 persons, namely, Masud Ahmed, Mubarak Hussain, Taskir Ahmed and Saddam Hussain and recovered 384 nos. of ATM cards, 5 nos. of mobile handset and 2 nos. of calculator from their possession and during interrogation they failed to disclose the source from where they got the ATM cards.

4. Mr. Ahmed, learned counsel for the applicant submits that this Court vide order dated 31.07.2023 was pleased to extend the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency. Mr. Ahmed further submits that the applicant has been working as Gaon Panchayat Coordinator of Laharighat Development Block and that he is ready to cooperate with the investigating agency and therefore, a contention is being made that the interim order dated 31.07.2023, may be made absolute, in the same terms and conditions.

5. On the other hand, Ms. A. Begum, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected some materials in support of the allegation made in the FIR and one of the co-accused has implicated the present applicant with the offence alleged.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Ms. Begum, learned Additional P.P.

7. In view of the materials collected so far in the case diary as well as the stage of

investigation and further, considering the fact that the applicant has been cooperating with the investigating agency, his custodial interrogation seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 31.07.2023, absolute, in the same terms and conditions. Case diary be returned.

8. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant