

GAHC010160502024



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

Case No. : AB/2116/2024

SANIDUL ALI
BY PROFESSION - LABOUR
S/O KUKURUDDIN
R/O VILL- BHELTARGHAT
(KRISHNAI), GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY ADDL. PP, ASSAM

Advocate for the Petitioner : MR H DAS, D BARUAH, MR. B C DEKA

Advocate for the Respondent : PP, ASSAM,

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

10.09.2024

1. Heard Mr. H. Das, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor appearing for the State of

Assam, who has produced the case diary of Krishnai P.S. Case No. 38/2024.

2. The learned Additional Public Prosecutor has submitted that though the petitioner has appeared before the Investigating Officer and his statement under Section 180 of the BNSS has already been recorded, however, considering the nature of offence involved in this case, his further custodial interrogation would be necessary and therefore, learned Additional Public Prosecutor has objected to making the interim bail as absolute.

3. On the other hand, Mr. H. Das, learned counsel for the petitioner has submitted that in pursuant to the directions of this Court, by order dated 14.08.2024, the petitioner has co-operated in the investigation and is ready to co-operate in further investigation. Hence, he prays for making the interim bail absolute.

4. I have considered the submissions made by the learned counsel for both the sides and have perused the materials available on record, including the case diary of Krishnai P.S. Case No. 38/2024. It appears from record that the petitioner has appeared before the Investigating Officer and his statement under Section 180 of BNSS has already been recorded. The concern shown by the learned Additional Public Prosecutor is that the petitioner is further required for interrogation may be addressed by imposing additional conditions on the petitioner. However, this Court is of the considered opinion that as the petitioner is co-operating with the Investigating Officer, his custodial detention may not be necessary.

5. In view of the above, the interim bail granted to the petitioner, by order dated 14.08.2024, is hereby made absolute with condition Nos. **i** and **ii** attached to the said order remaining intact. The petitioner is further directed to appear before the Investigating Officer once in every week for next four weeks

or till the investigation is completed whichever is earlier.

6. Any of the violation by the petitioner may be a good ground for cancellation of bail granted to him.

7. With the above observations, this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant