

GAHC010167332024



2024:GAU-AS:11619

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

Case No. : AB/2180/2024

SAMSUL HOQUE MOLLAH
S/O TAJUBOR RAHMAN MOLLAHR/O JOYPUR ROWMARI
P.S. BAGUAN
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P, MR S HOQUE,MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 25.11.2024

Heard Mr. S. Hoque, learned counsel for the applicant. Also heard Mr. R. J. Barua, learned Additional Public Prosecutor for the State of Assam.

By this application under Section 482 of BNSS Act, 2023, the

petitioner is seeking grant of pre-arrest bail to the accused petitioner, i.e. Samsul Hoque Mollah, who is apprehending arrest in connection with Baguan PS Case No.43/2024 registered under Section 61(2)/318(4)/316(2)/336(3)/3(5) of BNSS Act, 2023 read with Section 14 of Assam Games and Betting Act.

Pertinent that by order dated 20.08.2024, this Court granted interim bail to the petitioner subject to conditions.

The case diary called for has been received.

Mr. R. J. Barua, learned Additional Public Prosecutor submits that the petitioner pursuant to the aforesaid interim order dated 20.08.2024 has appeared before the Investigating Officer and his statement has also been recorded by the Investigating Officer.

He further submits that the case diary reveals that the petitioner is co-operating with the investigation.

Situated thus, this Court is of the considered view that custodial interrogation is not justified for the ongoing investigation.

Accordingly, the interim bail granted earlier is hereby made absolute subject of-course to the following conditions:-

i) The petitioner shall co-operate with the investigation;

ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer;

iii) The petitioner shall refrain from committing any similar offences in future of which he is suspected of commission.

With above observations and directions, this Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant