

GAHC010176282024



2024:GAU-AS:12133

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

Case No. : AB/2331/2024

NAZRUL ISLAM
S/O GAJIBAR RAHMAN
R/O DUMURGURI PT.II
P.S. ABHAYAPURI
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MD S HOQUE, MS B A AHMED, MS A BEGUM, MR. M DEKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

02-12-2024

Heard Mr. S Hoque, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

2. Apprehending his arrest, the petitioner namely, **Nazrul Islam**, son of Gajibar Rahman, resident of Village-Dumurguri Pt-II, P.S.-Abhayapuri, District-Bongaigaon has filed this

application under Section 482 BNSS, 2023 seeking pre arrest bail in **Goalpara Police Station Case No. 100/2024** registered under Sections 120(B)/420/468/34 IPC.

3. As per the FIR dated 31.07.2024 lodged before the Officer-in-Charge of Goalpara Police Station, the allegation is that the complainant sold four numbers of tractors to four FIR named accused persons including the present petitioner, but expecting two, the other two tractors could not be financed. The accused persons who purchased the tractors along with some unscrupulous persons sold those two tractors in char area under the jurisdiction of South Salmara police station. Later, both the tractors were recovered with the help of Goalpara Police Station and the FIF named accused persons with one Ibrahim sold those two tractors to someone else with forged documents and agreements.

4. Accordingly, Goalpara Police Station Case No. 100/2024 was registered under Sections 120(B)/420/468/34 IPC against the FIR named accused persons including the present petitioner.

5. Petitioner submitted that he is no way connected with the case and that after obtaining interim bail on 05.09.2024 in said Goalpara P.S. Case No. 100/2024, he appeared before the concerned Investigating Officer of the case and his statement has already been recorded.

6. Mr. M P Goswami, learned APP, Assam from the case diary has submitted that the petitioner appeared before the concerned I.O. of said Goalpara P.S. Case No. 100/2024 and his statement has been recorded and that he is co-operating with the investigation of the case.

7. It is also seen that both the tractors involved in the case have already been recovered.

8. Considering such materials in the case diary, the Court is of the view that custodial detention of the petitioner is not warranted for investigation of said Goalpara P.S. Case No. 100/2024. As such, this pre arrest bail application of the petitioner is accepted.

9. Accordingly, the interim pre-arrest bail granted to the petitioner on 05.09.2024 in said Goalpara P.S. Case No. 100/2024, is hereby made absolute, subject to the compliance of the terms and conditions as specified in the said order dated 05.09.2024 and on compliance of the following conditions that the petitioner – **(i)** shall not hamper with the investigation, or

tamper with the evidence of the case; **(ii)** 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 them from disclosing such facts to the Court or to any police officer and **(iii)** shall not involve himself in any criminal activities in future.

10. Any violation of the aforesaid terms and conditions as well as the terms and conditions as specified in the order dated 05.09.2024, noted above, by the petitioner, named above, the pre-arrest bail granted to him in the aforementioned Goalpara P.S. Case No. 100/2024 shall stand automatically vacated.

11. This pre-arrest bail application accordingly stands disposed of.

12. Return the case diary herewith.

JUDGE

Comparing Assistant