

GAHC010181612023



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

Case No. : AB/2896/2023

MD ROSHIDUL HOQUE
SON OF- LATE SAMED ALI, RESIDENT OF VILLAGE- BINNACHARA, P.O.
CHITHILA, P.S. FAKIRAGRAM, DISTRICT- KOKRAJHAR (BTAD), ASSAM,
PIN- 783354

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 11.01.2024

Heard Mr. S. Islam, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Fakiragram P.S. Case No. 71/2023, under Sections 120(B)/384/420/500 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Md. Roshidul Hoque 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 one Rahmat Ali on 24.06.2023. The allegation against the applicant relates to lodging of false case against the informant and his brother and demanding of money in order to settle a dispute between the informant and his wife and his brother.

4. Mr. Islam, learned counsel for the applicant submits that the applicant had been granted the privilege of pre-arrest bail, vide order dated 22.08.2023 and pursuant to the said order, he has also appeared before the I.O. and that his statement has been recorded and he has been cooperating with the investigating agency, and therefore, a contention is being made to make the interim order dated 22.08.2023 absolute in the same terms and conditions.

5. On the other hand, Mr. Sarma, the learned Addl. Public Prosecutor submits that he has not received the case diary and as per his instruction, the I.O. has completed investigation and laid charge-sheet being charge-sheet No. 80/2023 dated 31.10.2023 under Sections 120(B)/384/420/500/410 of the IPC.

6. In view of the submission made by the learned Advocates of both sides, this Court is inclined to dispose of this petition by directing the applicant to appear before the learned Court below on or before 30.01.2024, and to apply for regular bail and in the event of such an application being filed, the learned Court below shall consider the same in accordance with law.

7. Till then, interim order dated 22.08.2023 shall stand extended.

JUDGE

Comparing Assistant