

GAHC010192202023



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

Case No. : AB/3040/2023

RAFIZUL ALI
S/O LATE NIMAR ALI
VILL- GULALKANDI
P.O. BAZARGHAT
P.S. RATABARI
DIST. KARIMGANJ, ASSAM
PIN-788735

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A R TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 06-03-2024

Heard Mr. A.R. Talukdar, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam, appearing for the State respondent.

This is an application under Section 438 of the Code of Criminal

Procedure, 1973, praying for granting pre-arrest bail to the petitioner, i.e. Rafizul Ali, who is apprehending arrest in connection with Ratabari P.S. Case No. 50/2023 corresponding to G.R. Case No. 384/2023 registered under section 420/406/409/34 of IPC.

The case diary as called for and is placed before this Court.

It may be mentioned that by order dated 08.09.2023, this Court granted the privilege of interim pre-arrest bail to the petitioner subject to the conditions.

Mr. P. Borthakur, learned Addl. P.P submits that the case diary shows that the petitioner appeared before the Investigating Officer and got his statement recorded under section 161 Cr.P.C as per interim pre-arrest bail granted earlier.

He further submits that it appears that the inquiry report shows that the same allegations as made in the earlier two FIRs involving the non implementation of scheme sanctioned by the Government of Assam, was made in the present FIR.

It appears that the petitioner is being subjected to double jeopardy on the same allegations. It further appears that he was arrested and put in jail custody for 90 days in connection with first FIR then in the next case i.e Ratabari P.S. Case No. 283/2022, he was granted pre-arrest bail. As such, this Court finds that custodial interrogation may not be required in the interest of the ongoing investigation of this case.

Accordingly, the interim pre-arrest bail granted vide order dated 08.09.2023 is hereby made absolute subject to the following conditions:

1. That the petitioner shall co-operate with the investigation and shall appear before the Investigating Officer as and when so required.

2. The petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioner in the pending investigation.

Return the case diary.

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

JUDGE

Comparing Assistant