

GAHC010211102023



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

Case No. : AB/3229/2023

WASHIR ALI
S/O LATE MONOWAR ALI
R/O K.B. ROAD, WARD NO. 13, P.S. NORTH LAKHIMPUR,
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

02.02.2024

Heard Ms. A. Gogoi, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with North Lakhimpur P.S. Case No.327/2023,

under Section 468/420 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Washir Ali, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Ijjat Ali on 04.08.2023. The essence of allegation made in the FIR is that one Minu Momtaz and Washir Ali have taken two shops of the informant, situated at Ward No.13 of North Lakhimpur Town, on rent but, they have failed to procure trade licence from the North Lakhimpur Municipal Board, for which the Executive Officer of the Board has closed the aforesaid shops and thereafter, preparing false trade licence the accused persons, namely, Minu Momtaz and Washir Ali have let out those shops to another person.

4. Ms. Gogoi, learned counsel for the applicant submits that this Court vide order dated 20.09.2023 was pleased to extend the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and that the case is of civil in nature and that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to make the interim order dated 20.09.2023, absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the statement of the applicant is not available in the case diary and the last entry was made on 14.09.2023 and the interim order was granted on 20.09.2023 and that the I.O. has collected some materials in support of the allegation made in the FIR and therefore, Mr. Sarma has opposed the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

7. The case diary indicates that the I.O. has achieved some progress in the

investigation of this case and also collected some materials in support of the allegation made in the FIR. However, in view of the materials collected so far in the case diary as well as the stage of investigation and also considering the fact that the applicant has been cooperating with the investigating agency, his custodial interrogation seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 20.09.2023, absolute, in the same terms and conditions. Case diary be returned.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant