

GAHC010226292023



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

Case No. : AB/3418/2023

KHANDAKAR MOIDUL ISLAM @ MOIDUL ISLAM KHANDAKAR AND ANR
S/O KHANDAKAR NUR MAHAMMAD ALI
R/O VILL- JHAGRARP PAR PART-II (MANIKPUR), P.O. JHAGRARP PAR, P.S.
DHUBRI, DIST. DHUBRI, ASSAM,
PIN- 783325.

2: KHANDAKAR NUR MAHAMMAD ALI @ KHANDAKAR NUR MD. ALI
S/O LATE ABDUS SOBAHAN KHANDAKAR
R/O VILL- JHAGRARP PAR PART-II (MANIKPUR)
P.O. JHAGRARP PAR
P.S. DHUBRI
DIST. DHUBRI
ASSAM

PIN- 783325

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MD. S ALOM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

12.06.2024

Heard Mr. K. N. Choudhury, learned Senior Counsel assisted by Mr. S. Alam, learned counsel for the petitioners. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State.

By this application under Section 438 of Code of Criminal Procedure, 1973, the petitioners, namely **(1) Khandakar Moidul Islam @ Moidul Islam Khandakar, (2) Khandakar Nur Mahammad Ali @ Khandakar Nur Md.** have approached this Court seeking the benefit of pre-arrest bail, apprehending their arrest, in connection with ACB P.S. Case No. 72/2023 alleging an offence under Section 120(B) of IPC read with Section 7(a) of the Prevention of Corruption Act, 1988.

This Court vide order dated 05.10.2023 has granted interim protection to the petitioners while, calling for case diary.

The learned counsel for the petitioner submits that after grant of interim protection by this Court under its order dated 05.10.2023, the petitioners appeared before the I.O and got their statement recorded.

The learned Additional Public Prosecutor for the state has vehemently objected to the prayer of bail. It is contended that sufficient incriminating materials are there against the petitioners.

The case diary is received. Perused the same.

Considered the material available on record, it is seen that the petitioners have

fully cooperated with the investigation. After perusal of the material so far collected by the investigating officer, this Court is of the view that the custodial detention of the petitioners may not be necessary in this case inasmuch as the investigation has substantially been progressed. While considering the prayer of bail, this Court has also considered that the petitioner has given certain explanation as regards money recovered.

Therefore, in the totality of the matter, the interim protection granted under order dated 05.10.2023 is made absolute with the same terms and condition.

Accordingly, this bail application stands disposed of.

Return back the case dairy.

JUDGE

Comparing Assistant