

GAHC010236112023



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

Case No. : AB/3571/2023

JIABUR HOQUE @ JIABUR RAHMAN
S/O- NURUL AMIN, R/O- SILPUKHURI, P.S- MIKIRBHETA, DIST-
MORIGAON, ASSAM

VERSUS

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

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

02.02.2024

Heard Mr. SM Abdullah P, learned counsel for the petitioner. Also heard Mr. D Das, learned Additional Public Prosecutor, Assam for the State respondents.

This is an application under Section 438 Cr.P.C. for granting the privilege of pre-arrest bail to the petitioner, namely, Jiabur Hoque @ Jiabur Rahman in connection with

Mikirbheta P.S. Case No. 97/2023 under Sections 120 (B)/420/406/468/471/464 IPC.

Case diary is received.

The learned Additional Public Prosecutor has submitted that several attempts have been made by the Investigating Officer to trace the petitioner and his brother Motiur Rahman who are allegedly involved in the case. It is also submitted by the learned Additional Public Prosecutor that after examination of the witnesses, whose bank passbooks have been seized in the CSP centre run by Motiur Rahman, the witnesses had clearly denied regarding opening of Bank Accounts at the alleged CSP centre, and it could be learnt that the accused Motiur Rahman had fraudulently opened the bank accounts in the name of the innocent people at the SBI CSP Centre.

The learned counsel for the petitioner submits that the petitioner is not directly involved in the crime and as such the privilege of pre-arrest bail may be extended to him.

The learned Additional Public Prosecutor, on the other hand, submits that he has no objection on the prayer for granting pre-arrest bail to the petitioner, however, the petitioner shall appear before the I.O for recording his statement within 10(ten) days from today and shall co-operate with the investigation of the case.

I have perused the case diary and also considered the submissions of the learned counsel for the parties.

Under the circumstance, this Court is inclined to grant the privilege of pre-arrest bail to the petitioner.

Accordingly, the petitioner, above-named, shall appear before the Investigating Police Officer within a period of 10 (ten) days from today, and, in the event of his arrest, in connection with the aforesaid police station case, he shall be released on furnishing a bail bond of Rs. 10,000/-(Rupees Ten Thousand) with one suitable surety

of the like amount to the satisfaction of the arresting authority, on the following conditions:-

1. The petitioner shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,
2. The petitioner shall not hamper with the investigation, or tamper with the evidence of the case, and
3. The petitioner 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 him from disclosing such facts to the Court or to any police officer.

The application accordingly stands disposed of.

Return back the case diary.

JUDGE

Comparing Assistant