

GAHC010238882023



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

Case No. : AB/3579/2023

ABDUT TAHIR LASKAR
S/O TAIYEBUR RAHMAN A R/O WARD NO. 13 HAILAKANDI TOWN P.O.
RATANPUR ROAD P.S HAILAKANDI DIST. GOLAGHAT ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M A I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

06.03.2024

Heard Mr. M.A.I. Hussain, learned counsel for the applicant and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Hailakandi P.S. Case No.225/2023, under Section 120B/420/466/468/471/472/473/34 IPC, read with Section 5 of the Emblems and

Names (Prevention of Improper Use) Act, 1950, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Abdut Tahir Laskar, 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 Saidur Rahman Laskar, on 13.09.2023. The essence of allegation made in the aforesaid FIR is that without being authorized by the Government and without there being any licence, he used to solemnize marriage and issued Muslim Marriage document without following the direction of this Court in WP(C) No.5122/2009.

4. Mr. Hussain, learned counsel for the applicant submits that this Court vide order dated 08.11.2023 was pleased to grant interim protection to the applicant and pursuant to the said order, he had appeared before the I.O. and cooperating with the investigating agency and therefore, Mr. Hussain contended that the interim order dated 08.11.2023, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the applicant has appeared before the I.O. and referring to the statement of the applicant recorded by the I.O., Mr. Lahkar submits that the applicant admittedly solemnized many marriages and therefore, Mr. Lahkar 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. Lahkar, learned Additional P.P.

7. It appears that the I.O. has collected some materials in support of the allegation made in the FIR. But it also appears that the I.O. has achieved substantial progress in the investigation of this case and moreover the applicant had appeared before the I.O. pursuant to the order of this Court dated 08.11.2023 and extending cooperation with the investigating agency and in that view of the matter, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 08.11.2023, 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