

GAHC010256992023



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

Case No. : AB/3861/2023

AFTAB HUSSAIN
S/O LATE ABUL HUSSAIN
R/O VILL- HIRAPAA
P.S. DHULA
DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

25.01.2024

Heard Mr. H.R.A. Choudhury, learned Senior Counsel assisted by Mr. A. Hawari, learned counsel for the applicant and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Dalgaon P.S. Case No. 371/2023**, under Sections 341/419/365/506/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Aftab Hussain** for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by one Sayedbar Rahman, on 01.11.2023. The essence of allegations made in the FIR is that on 29.10.2023, he was driving one oil tanker, bearing registration No. AS-26-C-9835, towards Tezpur and on the way, at about 2:30 am, one Beloero Neon-10 vehicle, without number plate, stopped his vehicle and the persons in the vehicle identified themselves as MVI and asked him to show the documents of the vehicle and while he and his handyman gone to show the documents then they threatened to kill them and forcefully picked up them in their vehicle. Thereafter, they have demanded money and he paid a sum of Rs. 2,000/-, but, they threatened to kill them, having not satisfied with the said amount. Thereafter, he paid a sum of Rs. 15,000/- from Googlepay of his mobile and after receiving the said amount, they left them and fled away and later on he came to know that they are the miscreants and not the MVI personnel.

4. Mr. Choudhury, learned Senior Counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 01.12.2023, and pursuant to the said order, the applicant had appeared before the IO and has been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 01.12.2023, absolute in the same terms and conditions.

5. On the other Mr. Barua, learned Additional Public Prosecutor by producing the case diary before this court, submits that the IO has collected sufficient incriminating materials against the applicant and that the investigation is still going on and one of the co-accused is still absconding. However, Mr. Barua submits that vide order dated 01.12.2023, this Court has granted interim protection to the applicant and pursuant to the said order, the applicant had appeared before the IO and has been cooperating with the investigating agency.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public

Prosecutor.

7. Having considered the submissions of learned counsel for both the parties and also considering the fact that the applicant has been cooperating with the investigating agency and further considering the progress of investigation, this Court is of the view that custodial interrogation of the applicant may not be required in the interest of investigation. And therefore, this Court is inclined to make the interim order dated **01.12.2023, absolute** in the same terms and condition.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

JUDGE

Comparing Assistant