

GAHC010258012023



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

Case No. : AB/3886/2023

ROFIQUL ISLAM
S/O LT. MOZIBOR RAHMAN
VILL- BHIMAPARA
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR, ASSAM, PIN-783135

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

29.01.2024

Heard Mr. A.Z. Ahmed, learned counsel for the applicant and Mr. P.S. Lahkar, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Sukchar PS Case No. 182/2023**, under Sections 420/406 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Rofiqul Islam** for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by one Mirazul Hoque, on 10.07.2023. The essence of allegations made in the FIR is that the informant has purchased one motor cycle, bearing registration No. AS-25-U-7771, by paying a sum of Rs. 1,07,000/- from Rofiquil Islam. But, after 5 months of purchasing the same, he received a message from his bank about the deduction of money from his account and on inquiry he came to know that there is a loan against his bank account regarding the bike, though he has purchased the bike by paying full amount and when he contact with Rofiquil Islam, then he told that he purchased the bike on finance by taking loan using his bank details and then he asked him to repay the amount, but, no payment has been made.

4. Mr. Ahmed, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 28.11.2023, and pursuant to the said order, the applicant had appeared before the IO and has been cooperating with the investigating and therefore, it is contended to make the interim order dated 28.11.2023, absolute in the same terms and conditions.

5. On the other hand, Mr. Lahkar, learned Additional Public Prosecutor submits that he has not received the case diary, but he has the instruction that the I.O. has already completed investigation and laid Charge-Sheet against the applicant, under Sections 420/406 of the IPC, vide Charge-Sheet No. 158/2023, dated 31.10.2023.

4. In view of above, this anticipatory application stands disposed of by directing the applicant to appear before the learned court below on or before **15.02.2024**, and to apply for regular bail and in event of filing such an application, the learned Court below shall consider the same in accordance with

law.

5. Till then, the interim order dated 28.11.2023, stands extended.

Comparing Assistant

JUDGE