

GAHC010258412023



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

Case No. : AB/3902/2023

ANJARI ISLAM
S/O SHAFIKUL ISLAM
R/O NO. 2, BHATIAKHALI
P.S. RUPAHIHAT
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 02.05.2024

Heard Mr. S.M. Abdullah P, learned counsel for the petitioner and Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the State respondent.

By this application under Section 438, Code of Criminal Procedure, 1973 [CrPC], the petitioner viz. Anjari Islam has approached this Court seeking the benefit of pre-arrest bail,

apprehending his arrest, in connection with Rupahihat Police Station Case no. 358/2023 registered under Section 365, Indian Penal Code [IPC].

In the First Information Report [FIR] registered at Rupahihat Police Station on 11.08.2023, the informant has inter alia alleged that the petitioner had taken away the minor daughter of the informant, aged about 16 years, out of his lawful guardianship on 05.07.2023.

The petitioner was provided interim protection by an order dated 20.11.2023 with the further direction to him to appear before the Investigating Officer [I.O.] of the case within a period of 10 [ten] days from 20.11.2023 for recording his statement.

Mr. Abdullah P, learned counsel for the petitioner has submitted that pursuant to the order dated 20.11.2023, the petitioner had appeared before the I.O. of the case within the stipulated time period in compliance of the order dated 20.11.2023 and, thereby, joined the investigation.

Mr. Gogoi, learned Additional Public Prosecutor has submitted, on instruction, that the I.O. of the case after completion of investigation, has already submitted a charge sheet under Section 173[2], CrPC vide Charge Sheet no. 221/2024 dated 29.02.2024.

As the petitioner was provided interim protection by order dated 20.11.2023 whereafter he joined the investigation and the charge sheet has been submitted after completion of investigation thereafter, this application preferred under Section 438, CrPC is closed providing that the benefit of pre-arrest bail under Section 438, CrPC granted in favour of the petitioner by order dated 20.11.2023 shall be in effect till his appearance before the learned jurisdictional trial court on the date fixed for his appearance in the summons, served upon him, to be issued by the learned jurisdictional trial court. It is observed that upon his such appearance before the learned jurisdictional trial court, the petitioner will be at liberty to prefer an application seeking regular bail and in the event such an application is preferred by the petitioner, the learned jurisdictional trial court will consider the same on its own merits and in accordance with law.

JUDGE

Comparing Assistant