

GAHC010268132022



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

Case No. : AB/3806/2022

ALAL UDDIN
S/O LATE AMIR UDDIN
R/O HATUJUBA, P.S. JAJARI, SUB-DIVISION- NAGAON, IN THE DIST. OF
NAGAON, ASSAM, PIN-782122

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. Y S MANNAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 04.04.2024

Heard Mr. Y. S. Mannan, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Nagaon P.S. Case No. 1214/2022, under Sections 376/342/ 506/34 of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Y. S. Mannan, learned counsel for the petitioner, that the present petition is pending since long from 2022 and on 28.06.2023, the petitioner was granted with the privilege of interim pre-arrest bail and accordingly, he appeared before the I.O. and his statement is also recorded in connection with this case. He further submitted that one of the co-accused Sunita Begum earlier lodged an F.I.R. against another accused one Anjar Ali and the sister of the said Anjar Ali had lodged the present F.I.R. against the present accused/ petitioner and one Sunita Begum only to harass them out of grudge of lodging the earlier F.I.R. by Sunita Begum. He further submitted that the case is pending since long and at this stage, the custodial interrogation by the present accused/petitioner is not necessary and hence, prayed for granting the privilege of pre-arrest bail to the accused/petitioner.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that the F.I.R. of the present case was lodged long back, but the case is pending only for production of the other Case Diary of Sonapur P.S. Case No. 141/2022 and presently, it has come to the notice that the said case under Sonapur Police Station has already been Charge-Sheeted against one Anjar Ali. However, he submitted that the accused/ petitioner has already extended his co-

operation in the investigation of this case and his statement is also recorded by the I.O. under Section 161 Cr.P.C. Accordingly, he submitted that custodial interrogation may not be necessary for the interest of further investigation.

After hearing the submissions made by the learned counsels of both sides and also considering the entire aspects of the case as well as the conduct of the accused/petitioner, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioner vide order dated 28.06.2023, is hereby made absolute in the same terms and conditions.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant