

GAHC010270792023



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

Case No. : AB/4135/2023

BANEJUDDIN AHMED @ BANEJ ALI
S/O LT. NUR UDDIN VILL EAST SUBA DHULA, P.S DHULA , DIST-
DARRANG, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. R GOSWAMI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 20-02-2024

Heard Mr. R. Goswami, learned counsel for the applicant and also heard Mr. B. Sarma, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Dalgaon P.S. Case No. 331/2023, under Sections 120(B)/419/420/34 IPC, this application under Section 438 Cr. P. C. is preferred by applicant, namely, Banejuddin Ahmed @ Banej Ali for grant of pre-

arrest bail.

It is to be noted here that above noted case has been registered on the basis of an FIR lodged by one Mozibur Rahman on 22.9.2023.

The essence of allegation made in the FIR dated 22.9.2023, is that one Banejuddin has taken a sum of 30,000/- from the informant to settle his land dispute about 7 months back but, he failed to settle the dispute and about 20 days back when he proceeded to the Circle Office in connection with his land dispute then Banej Uddin introduced one Lavita Das, as ADC of Mangaldoi to him and had taken a sum of Rs.20,000/- from him and thereafter, about seven days back, the so called ADC called him to the office of the Deputy Commissioner, Mangaldoi alongwith all his documents and while he refused to go, then the said ADC came to his house on 22.9.2023 at about 5 PM and then he suspects that she is not the actual ADC and he then reported the matter to the police and then police came there and taken the said ADC to their custody. Mr. Goswami, learned counsel for the applicant submits that during the pendency of this bail application, the I.O. has completed investigation and submitted charge sheet before the learned Court below and the case is now pending for taking cognizance and that the applicant is ready to face trial and will appear before the learned Court below on each and every date and therefore, it is contended to allow the petition.

On the other hand, Mr. B. Sarma, learned Addl. P. P. submits that after completion of investigation, the I.O. had laid charge sheet, being Charge Sheet No. 373/2023, against two accused, namely, Lavita Das and Banejuddin Ahmed @ Banej Ali, showing him as absconder in the charge sheet and the case has been transferred to the Court of learned Sub-Divisional Judicial Magistrate(S), Mangaldoi and it is pending for taking cognizance.

Since the charge sheet has already been completed after completion of investigation and since the matter is pending before the learned Court below for taking cognizance of the offence, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below **on 13.3.2024**, and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law.

Till then, this Court inclined to extend interim protection to the applicant and it is provided that in the event of arrest of the applicants, in connection with Dalgaon P.S. Case No. 331/2023, under Sections 120(B)/ 419/420/34 IPC, he shall be released on pre arrest bail on his executing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the arresting authority.

The above privilege is, however, subject to the following conditions:

1. That the applicant shall make himself available for interrogation by the Investigating Officer as and when required;
2. That the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
3. That the applicant shall not leave the jurisdiction of the learned CJM, Darrang, Mangaldoi without prior permission.

In terms of above, this A.B stands disposed of .

Case diary be returned.

JUDGE

Comparing Assistant