

GAHC010271102023



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

Case No. : AB/4097/2023

ENTAZ ALI
S/O LATE HAKMOT ALI
R/O VILL- NAHAR GAON
P.O. AND P.S. DABOKA
DIST. HOJAI, ASSAM
PIN-782440

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D P BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

04.03.2024

Heard Mr. U. Ghosh, learned counsel for the applicant and Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 438 of the Code of Criminal

Procedure, is preferred by applicant namely, **Entaz Ali**, who has been apprehending arrest in connection with **Doboka P.S. Case No. 229/2023**, under Sections 379/411/34 of the IPC, for grant of pre-arrest bail.

3. It is to be noted that the above noted case has been registered on the basis of an FIR lodged by one S.I. Raju Rai on 27.11.2023. The essence of allegation made in the aforesaid FIR is that that acting on a tip off, he has conducted search at Doboka town area and apprehended two persons namely, Mafij Uddin and Minaj Uddin and recovered one stolen motor cycle, without registration number (Hero Honda Super Splendor) from their possession at Doboka town, near State Bank of India and during interrogation, they could not produce any documents about the said motor cycle.

4. Mr. Ghosh, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 04.12.2023, 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 04.12.2023, absolute in the same terms and conditions.

5. On the other hand, Ms. Begum, learned Additional Public Prosecutor submits that she has not received the case diary, but she has the instruction that the I.O. has already completed investigation and laid Charge-Sheet against the applicant, under Sections 379/411 of the IPC, vide Charge-Sheet No. 207/2023, dated 30.11.2023.

6. In view of above, this anticipatory application stands disposed of by directing the applicant to appear before the learned court below on or before **20.03.2024**, 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.

7. Till then, the interim order dated 04.12.2023, stands extended.

Comparing Assistant

JUDGE