

GAHC010275592023



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

Case No. : AB/4118/2023

DILDAR HUSSAIN
S/O.NUR MOHAMMED,
R/O- GERUA ATI, P.O/P.S- NAGAON, DIST. NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. M A I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 27.03.2024

None appears for the petitioner on call.

Heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 438 Cr.P.C. praying for pre-arrest bail by the petitioner namely Dildar Hussain in connection with Merapani P.S. Case No.52/2023 under Sections 120B/279/379/420/413/511 IPC.

Case diary is received. Peruse the case diary.

It is submitted by Mr. P. Borthakur, learned Additional Public Prosecutor that after obtaining the interim pre-arrest bail on 07.12.2023, the accused petitioner appeared before the Investigating Officer and his statement is also recorded under Section 161 Cr.P.C.

As per telephonic instruction, Mr. P. Borthakur, learned Additional Public Prosecutor submits that the present accused petitioner took the zimma of the vehicle which was seized in connection with the case. Further he submits that considering the materials available in the case diary, custodial interrogation may not be necessary for the interest of investigation.

Considering the submission made by Mr. P. Borthakur, learned Additional Public Prosecutor and also considering the materials available in the case diary, I find that it is a fit case to extend the privilege of pre-arrest bail to the accused petitioner.

Hence the order of interim pre-arrest bail dated 07.12.2023 is hereby made absolute in the same terms and conditions.

With the above observation and direction, the Anticipatory Bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant