

GAHC010277722023



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

Case No. : AB/4224/2023

ABUL HUSSAIN @ BANKU
S/O LATE DARAJ UDDIN SK
VILL- MOTIRCHAR, P.S. DHUBRI
DIST. DHUBRI, ASSAM
PIN-783324

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR R ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

19.01.2024

Heard Ms. A. Hussain, learned counsel for the petitioner. Also heard Ms. A. Begum, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of

pre-arrest bail to the petitioner, namely, **Abul Hussain @Banku**, apprehending arrest in connection with **Dhubri P.S. Case No. 444/2023 (GR No.1778/2023)** registered under Sections **379/411/34** of the IPC read with Section **13(1)** of the Assam Cattle Preservation Act, 2021.

The Case diary, as called for, is placed before the Court.

It may be mentioned that by order, dated 18.12.2023, this Court granted the privilege of interim pre-arrest bail to the petitioner.

Ms. A. Begum, learned Addl. Public Prosecutor, submits that the case diary shows that the petitioner appeared before the Investigating Officer and got his statement recorded under Section 161 Cr.P.C. as per the interim pre arrest bail granted earlier.

On perusal of the case diary, it is seen that there is no adverse report against the petitioner from the I.O., and, as such, this Court is of the view that custodial interrogation of the petitioner may not be necessary in the interest of the ongoing investigation into the case.

Accordingly, the interim pre-arrest bail granted vide order, dated 18.12.2023 is hereby made **absolute**, subject to the following conditions-

- (i) That the petitioner shall co-operate in investigation as and when required; and
- (ii) That the petitioner 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.

Return the case diary.

The anticipatory bail application accordingly stands disposed of.

JUDGE

Comparing Assistant