

GAHC010279002023



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

Case No. : AB/4187/2023

MANIRUL ISLAM
S/O- LATE ALAUDDIN SARKAR,
VILL- SIMLABARI PART I,
P.O AND P.S- CHAPAR,
DIST- DHUBRI, ASSAM, PIN-783371

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 21.02.2024

Heard Ms. J. Aktar, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Jogighopa P.S. Case No. 288/2023,

under Section 384 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Manirul Islam, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Jahidur Rahman on 03.12.2023. The essence of allegation made in the FIR dated 03.12.2023, is that that applicant Manirul Islam, introducing himself as a Reporter, demanded money from the owner of the brick industries putting them in fear and also tried to mislead the Government officials by preparing false report of the brick industries and threatened the informant that if money is not paid, he will place more serious complaints against them.

4. Ms. Aktar, learned counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail, vide order dated 15.12.2023, and pursuant to the said order, he has also appeared before the I.O. and he has been cooperating with the investigating agency, and therefore, a contention is being made that the interim order dated 15.12.2023, may be made absolute in the same terms and conditions.

5. On the other hand, Mr. Sarma, the learned Addl. Public Prosecutor submits that he has not received the case diary but, as per his instruction, the I.O. has laid charge-sheet, being charge-sheet No. 267/2023, dated 20.12.2023, under Section 384 of the IPC.

6. In view of the above, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on or before 12.03.2024, 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.

7. Till then, interim order dated 15.12.2023 shall stand extended.

JUDGE

Comparing Assistant