

GAHC010280412023



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

Case No. : AB/4203/2023

ABDUL MAZID CHOUDHURY
S/O LATE MASTAKIM ALI CHOUDHURY
R/O CHERULBAG,P.S. KARIMGANJ
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R MAJUMDAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

19.02.2024

Heard Mr. JUNM Laskar, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Kachudorum P.S. Case No. 146/2023, under Sections 120(B)/366 of the Indian Penal Code (corresponding to G. R. Case No. 4345/2023).

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Laskar, that the accused/petitioner is innocent and he is not at all involved in the alleged offence. The petitioner is a retired person and a permanent resident of District Karimganj, Assam. It is contended by the petitioner that the FIR named accused No. 1 and 2 are his grandson and son, who stays at Silchar by purchasing a land in Silchar. He is also not aware that any marriage proposal was given by the accused petitioner Nos. 1 and 2 to the informant's daughter. After getting the order of interim pre-arrest bail, the accused/petitioner has already appeared before the I.O. and his statement under Section 161 Cr.P.C. has already been recorded. He is still ready and willing to co-operate with the I.O. in further investigation of this case if he is granted with the privilege of pre-arrest bail and therefore, it is prayed to make the interim pre-arrest bail order absolute.

In this context, the learned Additional Public Prosecutor, Mr. Das, has submitted that from the materials available in the Case Diary, it is seen that the accused/petitioner appeared before the I. O. after obtaining the interim pre-arrest bail and recorded his statement under Section 161 of Cr. P. C. Thus, he raised no objection on the prayer made by the learned counsel for the petitioner.

After hearing the submissions of learned counsels for both sides as well as considering the materials available in the Case Diary, and the conduct of the petitioner, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner. Accordingly, the interim pre-arrest bail vide order dated 15.12.2023, is hereby made absolute with a direction to the accused/petitioner to co-operate with the I.O. in further investigation of the case.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant