

GAHC010282202023



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

**Case No. : AB/4220/2023**

HAIDAR ALI  
S/O AMEZUDDIN AHMED  
R/O VILL AND P.O. BHERBHERI BILL  
TENGABARI, P.S. DHULA  
DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR M HOQUE**  
**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 25-01-2024**

Heard Mr. M. Haque, learned counsel for the applicant and also heard Ms. A. Begum, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Mangaldoi P.S. Case No. 394/2023, under Sections 120(B)/384/406/420 IPC, this application is preferred u/s 438

Cr.P.C by the applicant Haidar Ali, for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR, lodged by S.I. Mohendra Sarma of Mangaldoi P.S on 10.09.2023.

The essence of allegation made in the FIR, dtd. 10.09.2023 is that acting on a tip off the informant and his party apprehended one Moidul Islam and Intajul Haque near Menapara Chowk and recovered one packet from the vehicle wrapped with red cloth containing stone and soil and seized the same by preparing seizure list, and during interrogation they revealed that one Karim Ali of village Sarbabherua, Lalpool had sold the same at Rs.5,00,000/- and it has also been learnt that they are involved in defrauding the people since long.

Mr. Haque, learned counsel for the applicant submits that in view of the order dated 18.12.2023, by which the applicant has been granted the privilege of pre-arrest bail, he has appeared before the I.O. and he has been cooperating with the investigating agency.

The learned counsel for the applicant further contended that the name of the applicant is also not there in the FIR and therefore, a contention is being made that the interim order dated 18.12.2023, may be made absolute in the same terms an condition.

On the other hand, Ms. Begum, learned Addl. P.P. produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused, and his custodial interrogation is required and therefore, it is contended to dismiss the petition.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Ms Begum, learned Addl. P.P.

Case diary indicates that the I.O. has collected sufficient incriminating materials against the accused. Though the applicant had appeared before the I.O. and cooperating with the investigating agency, yet his custodial interrogation seems to be indispensable to unearth the conspiracy and to arrest the other co-accused, involved in the same.

In that view of the matter, this Court deemed it not a fit case where the privilege of pre-arrest bail can be granted to the applicant.

Accordingly, the petition stands dismissed. Interim order dated 18.12.2023 stands vacated.

Case diary be returned.

**JUDGE**

**Comparing Assistant**