

GAHC010286562023



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

Case No. : AB/4264/2023

AKBAR ALI
S/O LATE ABDUR RAHMAN
VILL- HALDIBARI NO. 1,
P.S. LAKHIPUR
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, TO THE GOVT. OF ASSAM

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

06.02.2024

Heard Mr. A.M. Khan, learned counsel for the applicant and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 438 of the Code of Criminal Procedure, is preferred by applicant namely, **Akbar Ali**, who has been apprehending arrest in connection with **Palashbari P.S. Case No. 404/2023**, under Sections 379/420/406/34 of the IPC, for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by one Jadu Das, on 03.11.2023. The essence of allegations made in the FIR is that the informant along with two others namely, Akbar Ali and Sunil Sahu, have started a business by executing an agreement on 21.12.2021, in the name of M/S Kayala Export and after few days Akbar Ali and Sunil Sahu misappropriated a sum of Rs. 2,00,000/- and also stole 36 tons of coal from the informant and sold the same.

4. Mr. Khan, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 20.12.2023, and pursuant to the said order, the applicant had appeared before the IO and has been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 20.12.2023, absolute in the same terms and conditions.

5. Mr. Barua, learned Additional Public Prosecutor submits that he has not received the case diary, but he has the instruction that the I.O. has already completed investigation and laid Charge-Sheet against the applicant, under Sections 379/420/406/34 of the IPC, vide Charge-Sheet No. 332/2023, dated 31.12.2023.

6. In view of above, this anticipatory application stands disposed of by directing the applicant to appear before the learned court below on or before **22.02.2024**, and to apply for regular bail and in event of filing such an application, the learned Court below shall consider the same in accordance with law.

7. Till then, the interim order dated 20.12.2023, stands extended.

JUDGE

Comparing Assistant