

GAHC010289822023



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

Case No. : AB/4339/2023

ATOWAR RAHMAN
S/O- ABDUL KARIM SARKAR, VILL.- JHAPUSABARI PART-III. P.S.
AGOMONI, DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

05.01.2024

Heard Mr. AT Sarkar, learned counsel for the petitioner. Also heard Mr. BB Gogoi, learned Additional Public Prosecutor, Assam for the State respondents.

This is an application under Section 438 Cr.P.C. for granting the privilege of pre-

arrest bail to the petitioner, namely, Atowar Rahman in connection with Agomani P.S. Case No. 05/2023 (Corresponding to GR No.1088/2023) under Sections 120(B)/406/420 IPC.

Case diary is received.

The learned counsel for the petitioner submits that the petitioner has already appeared before the investigating officer and his statement has also been recorded and the petitioner is nowhere involved in the offence alleged. As per the FIR as well as the enquiry report, it is clearly stated that one Tulsi Saha has misappropriated the amount of the Cooperative Society.

The learned Additional Public Prosecutor has submitted that there is no specific allegation against the present petitioner.

I have perused the case diary and also considered the submissions of the learned counsel for the parties.

Under the above circumstance, this Court is inclined to grant the privilege of pre-arrest bail to the petitioner.

Accordingly, in the event of arrest of the petitioner above-named, in connection with the case aforementioned, he shall be released on bail on furnishing a bail bond of Rs.10,000/- (Rupees ten thousand) with a suitable surety of the like amount to the satisfaction of arresting authority, subject to the following conditions:

1. The petitioner shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,
2. The petitioner shall not hamper with the investigation, or tamper with the evidence of the case, and

3. 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.

4. The petitioner shall appear before the Investigating Police Officer as and when required.

This application, accordingly, stands disposed of.

Return back the case diary.

JUDGE

Comparing Assistant