

GAHC010290842023



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

Case No. : AB/4305/2023

MUSTAFA SHAHIDUL ISLAM AND ANR.
S/O LT. HAZI AMSAR ALI MUKTAR R/O VILL. MOIRABARI P.O. MOIRABARI
DIST. MORIGAON ASSAM PIN 782126

2: SALEHA BEGUM
W/O MUSTAFA SHAHIDUL ISLAMN R/O VILL. MOIRABARI P.O.
MOIRABARI DIST. MORIGAON ASSAM PIN 78212

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P MAHANTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

Date : 24.01.2024

Heard Mr. P. Mahanta, learned counsel for the petitioners. Also heard Mr. K. K. Das, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioners, namely, **1. Mustafa Shahidul Islam and 2. Mrs. Saleha Begum**, apprehending arrest in connection with **Moirabari P.S. Case No. 241/2023** registered u/s **420/467/468/471** of the IPC.

The Case diary, as called for, is placed before the Court.

It may be mentioned that by order, dated 22.12.2023, this Court granted the privilege of interim pre-arrest bail to the petitioners.

Mr. K. K. Das, learned Addl. Public Prosecutor, submits that the case diary shows that the petitioners appeared before the Investigating Officer and got their statement recorded under Section 161 Cr.P.C. as per the interim pre arrest bail granted earlier.

On perusal of the case diary, it appears that the investigation is going on and the petitioners have already been interrogated. It further appears that the petitioner No. 2 did not possess the requisite qualification at the time of the appointment. There are no adverse findings as regards the antecedent of the petitioners.

Therefore, this Court finds that custodial detention of the petitioners may not be necessary in the interest of the ongoing investigation into the case.

Accordingly, the interim pre-arrest bail granted vide order, dated 22.12.2023 is hereby made **absolute**, subject to the following conditions-

- (i) That the petitioners shall co-operate in investigation as and when required; and
- (ii) That the petitioners 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.

Return the case diary.

The anticipatory bail application accordingly stands disposed of.

JUDGE

Comparing Assistant