GAHC010120372020

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

Case No. : AB/2303/2020

MD. MOMTAZ ALI AND ANR.
S/O LATE OSMAN GONI, VILL-DAMDAMA PATHER, P.O.-RAMPUR, P.S.-MUKALMUA, DIST-NALBARI, ASSAM, PIN-781312

2: MONOWAR HUSSAIN
S/O LATE OSMAN GONI
VILL-DAMDAMA PATHER
P.O.-RAMPUR
P.S.-MUKALMUA
DIST-NALBARI
ASSAM
PIN-78131

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A MOBARAQUE

Advocate for the Respondent : PP, ASSAM

B E F O R E

HON'BLE MR. JUSTICE HITESH KUMAR SARMA

16-12-2020

This is an application, filed under Section 438 of the Cr.PC. seeking pre-arrest bail of the accused-petitioners, namely, ***1) Md. Momtaz Ali, and 2) Monowar Hussain***, in connection with ***Hatigaon Police Station Case No.439/2020*** (G.R. No.6864/2020) registered under Sections ***498(A)/381 I.P.C.***

Heard Mr. A. Mobaraque, learned counsel for the petitioners. Also heard Mr. A. Begum, learned Additional Public Prosecutor, Assam appearing for the State Respondent assisted by Mr. N. Uddin, learned counsel appearing on behalf of the informant.

Perused the order dated 7.12.2020. In accordance with the said order dated 7.12.2020, as submitted by the petitioner, the vehicle has been handed over to the police. He has also produced a copy of the seizure list, by which A.S.I. of Police seized the vehicle. As per the seizure list, the vehicle was seized from the possession of the petitioner.

Whatever it may be, the vehicle has been recovered either on being handed over by the petitioner or by the police itself.

In view of such development, the custodial interrogation of the petitioner is not essential in the interest of investigation of the case. Therefore, the petitioner is granted the privilege of pre-arrest bail.

The interim pre-arrest bail granted by this Court vide order dated 14.09.2020 is made absolute by this order on the same terms and conditions.

The copy of the seizure list furnished by the learned counsel for the petitioner be kept on record.

The anticipatory bail application, accordingly, stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant