GAHC010141792020

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

Case No. : AB/2816/2020

ALLHAJ CHAN MIAH @ CHAN MIAH AND 2 ORS
S/O. LT. NAYEM UDDIN, VILL. NO.1 MALIBARI PATHAR, P.S. BOKO, DIST. KAMRUP, ASSAM.

2: ABDUR ROUF

3: MINUWARA KHATU

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR. A PARAMANIK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PRASANTA KUMAR DEKA

ORDER

Date : 25.11.2020

Heard Mr. A. Paramanik, the learned counsel for the petitioners.

Also heard Mr. D. Das, learned Addl. P.P., Assam, who has produced the case diary.

By this application under Section 438 Cr.P.C., the petitioners are seeking pre-arrest bail in connection with Boko PS Case No. 1051/2020 under Section 468/371/420/34 IPC.

The statement of the petitioners are found to be recorded in the case diary and as per the statements made by the petitioner Nos. 2 and 3, they have admitted the fact that the contents of the certificate were wrote by them as the petitioner No. 1, the official Gaon-bura being an old aged person was unable to write the contents of the certificate.

Accordingly, in the view of the said statement in my considered opinion further custodial interrogation of the petitioners may not be necessary and, as such, the interim bail granted to the petitioners in connection with the case aforementioned by order dated 15.10.2020 is made absolute along with the following conditions:

1. That the petitioners shall make themselves available to the police or any other investigating agency or Court in the present case as and when required.

2. 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 Court or to any police officer or tamper with the evidence. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses.

3. That they shall not obstruct the smooth progress of the investigation/trial.

4. That the petitioners shall not misuse their liberty in any manner.

5. That the petitioners shall not jump over the bail.

6. That the petitioners shall appear before the I.O. of Boko PS Case No. 1051/2020 within 10 (ten) days from today.

Send back the case diary

The anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant