GAHC010108432020

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

Case : AB/2836/2020

MOHAMMED SHABAJ AHMED
S/O SAHABUDDIN @ LUKAS
R/O TILLABAZAR
P.O.-CHANDSRIKUNA
P.S. AND DIST-KARIMGANJ

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

21.12.2020

Heard Mr. H.R.A. Choudhury, learned Sr. counsel for the petitioner and Mr. N.K. Kalita, learned Addl. PP., Assam appearing for the State/respondent. Also heard Mr. M. Ahmed, learned counsel for the informant.

By this application under Section 438 Cr.P.C., the petitioner, namely ***Mohammed Shabaj Ahmed*** has prayed for pre-arrest bail apprehending arrest in connection with **Karimganj P.S. Case No. 580/2020** under Sections 304(B)(2)/34 of the IPC.

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

It may be mentioned that this Court, by order, dated 13.10.2020, granted the privilege of interim pre-arrest bail to the petitioner, subject to conditions.

On consideration of the *pros and cons* of the evidence so far collected by the I.O., this Court finds that custodial interrogation of the petitioner may not be necessary in the interest of ongoing investigation.

It is also noticed that the petitioner appeared before the investigating officer and got his statement recorded under Section 161 Cr.P.C. as per the interim pre-arrest bail granted earlier. The petitioner is co-operating in the investigation and there is no adverse report against the petitioner from the I.O.

Accordingly, the interim pre-arrest bail, granted vide order, dated 13.10.2020 is hereby made absolute, subject to the condition that he shall co-operate in investigation as and when required and he 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 either to the Court or to any police officer.

Return the case diary.

This disposes off the application.

JUDGE

Comparing Assistant