GAHC010172322020

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

Case No. : AB/3457/2020

MD. SAHABUDDIN AHMED AND 2 ORS
S/O AINUDDIN, R/O VILL-SINGIA, LALUK, P.O. AND P.S.-LALUK, DIST-LAKHIMPUR

2: MD. SAIFUDDIN AHMED @ MD. SAIFUL
S/O MD. SAHABUDDIN AHMED
R/O VILL-SINGIA
LALUK
P.O. AND P.S.-LALUK
DIST-LAKHIMPUR

3: MUSTT. KULSUM BEGUM @ KULSUMA BEGUM
W/O MD. SAHABUDDIN AHMED
R/O VILL-SINGIA
LALUK
P.O. AND P.S.-LALUK
DIST-LAKHIMPU

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S M T CHISTIE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

18.12.2020

Heard Mr. SMT Chistie, learned counsel for the petitioners and Mr. T.K. Mishra, learned Addl. PP for the State/respondent.

By this application under Section 438 Cr.P.C., the petitioners, namely ***1. Md. Sahabuddin Ahmed, 2. Md. Saifuddin Ahmed @ Md. Saiful Uddin and 3. Mustt. Kulsum Begum @ Kulsuma Begum*** have prayed for pre-arrest bail apprehending arrest in connection with **Laluk P.S. Case No. 469/2020 (Corresponding to G.R. Case No. 2410/2020)** under Sections 498A/417/420/406/34 of the IPC.

The case diary is received.

It may be mentioned that this Court, by order, dated 04.12.2020, granted the privilege of interim pre-arrest bail to the petitioner Nos. 2 and 3, subject to conditions.

On perusal of the case diary reveals no *prima facie* incriminating material against the petitioners, subject, of course, to final outcome in investigation although the investigation has substantially progressed.

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 Nos. 2 and 3 may not be necessary in the interest of ongoing investigation.

Accordingly, the interim pre-arrest bail granted vide order, dated 04.12.2020 is hereby made absolute, subject to the condition that the petitioner Nos. 2 and 3 shall co-operate in investigation as and when required and the petitioner Nos. 2 and 3 shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

So far the pre-arrest bail of the petitioner No. 1 is concerned, this Court finds that custodial interrogation of the petitioner No. 1 may not be required in the interest of the investigation.

Therefore, it is provided that in the event of arrest of the petitioner No.1, named above, shall be released on pre-arrest bail of **Rs. 20,000/- (Rupees Twenty Thoushand)** only with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

(i) That the petitioner No. 1 shall appear before the Investigating Officer within 7 days from today;

(ii) That the petitioner No. 1 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; and

(iii) That the petitioner No. 1 shall not commit any similar offence, of which he is suspected of commission.

With the above directions, the pre-arrest bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant