

GAHC010260302019



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

Case No. : AB 3773/2019

1:MUBARAK ALI @ MOBAROK HUSSAIN
S/O LATE JAMSER ALI, R/O VILL-BHOMRABIL PT-I, P.S.-GOSSAIGAON,
DIST-KOKRAJAHR, BTC, ASSAM

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 29-11-2019

Heard Mr. A.A.R. Karim, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State.

By this application under Section 438, Code of Criminal Procedure, 1973, the petitioner viz. Sri. Mubarak Ali @ Mobarok Hussain, has prayed for pre-arrest bail apprehending his arrest, in connection with Gossaigaon P.S. Case No. 112/2019, registered under Section 365/34, I.P.C.

By the order dated 29.10.2019, the interim protection was granted to the petitioner on the basis of the story projected by the petitioner in the petition that the victim was staying

with the petitioner on the basis of a marriage deed dated 30.10.2019 executed before the Notary, which is annexed to the petition.

Pursuant to the order dated 29.10.2019, the petitioner has appeared before the Investigating Officer and his statement has been recorded. But on perusal of the statement of the victim recorded under Section 164, CrPC, I do not find this to be a fit case to extend the privilege of pre-arrest bail to the petitioner.

Accordingly, with the recall of the earlier interim order dated 29.10.2019, this application is dismissed.

JUDGE

Comparing Assistant