

GAHC010061812022



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

Case No. : AB/882/2022

SHAHA ALOM
S/O LATE ABDUL LOTIF SHEIKH,
R/O VILL- KUTIRGHAT, P.S. MANKACHAR, DIST. SOUTH SALMARA
MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

29.04.2022

Heard Shri M Khan, learned counsel for the applicant, namely, Shaha Alom, who has filed this anticipatory bail application under Section 438 of the Cr.PC praying for pre-arrest bail in connection with Mankachar PS Case No. 36/2022 under 14(a)(b) of the Foreigners Act 3(3) of the Passport Entry into India Act, and Rule 6 of without Passport Entry into India Act, 1950.

Pursuant to the order of this Court dated 30.03.2022, Case Diary has been obtained.

Shri Khan, learned counsel for the applicant has submitted that at no point of time, any foreign national was given shelter by the applicant.

On the other hand, RJ Baruah, learned Addl. PP, Assam submits that the foreign national was actually given shelter by a different person and while the said foreign national was running away from police, he had entered the house of the applicant from where he was arrested.

Under the aforesaid facts and circumstances, this Court is of the opinion that custodial interrogation of the applicant may not be necessary.

Accordingly, the anticipatory bail application is allowed by directing that in the event of arrest of the abovenamed applicant in connection with the aforementioned police case, he shall be released on bail on furnishing a bail bond of Rs. 15,000/- (Fifteen thousand) only, with one surety of the like amount subject to the satisfaction of the Arresting Authority.

The applicant is directed to appear before the IO of the case on or before 11.05.2022 for recording his statement.

The applicant is further directed to render full cooperation with the investigation of the case and not to indulge in any activities detrimental to the same.

The anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant