

GAHC010074482022



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

Case No. : AB/1049/2022

SOBAHANUL ISLAM CHOUDHARY
S/O LATE ABDUR RAHMAN CHOUDHARY
R/O VILL- AZAD NAGAR,
P.S. BALADMARI
P.O. GOALPARA, PIN-783121
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D P CHALIHA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

31.08.2022.

Heard Mr. D.P. Chaliha, learned senior counsel, assisted by Md. I. Ahmed,

learned counsel for the applicant. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam for the State respondent.

Apprehending arrest in connection with the CID P.S. Case No.01/2022, under Sections 120(B)/420/468/471 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by accused/applicant, namely, Sobahanul Islam Choudhury, for grant of pre-arrest bail.

It is to be mentioned here that the CID P.S. Case No.01/2022 has been registered on the basis of one F.I.R., lodged by one Gholam Saruwar, Principal, Barnagar B. Ed. College, Sorbhog on 05.02.2022 to the effect that pursuant to one letter issued by the Superintendent of Police, CID, dated 18.01.2022, he has verified his college record of the students admitted during the year 2014-15 and found no student in the name of Sabina Yasmin Chowdhury, bearing Roll No.669/15, with Registration No.006740 of 2007-08, appeared from his college and against the said roll number, one Dhanjita Das had appeared in the B. Ed. Final Examination from the Barnagar B. Ed. College.

Mr. Chaliha, learned senior counsel for the applicant submits that pursuant to the order of this Court dated 20.04.2022, the applicant appeared before the I.O. and his statement is recorded and he has been cooperating with the investigating agency and therefore, it is contended to allow the petition.

On the other hand, producing the case diary, Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam submits that after completion of investigation, the I.O. has already laid the charge sheet against two accused persons and that as per Section 173(a) of the CrPC, the I.O. is continuing further investigation and custodial interrogation of the present applicant is necessary as he is the owner of many B. Ed. Colleges, one of which is at Guwahati and others in other places

and therefore, Mr. Parasar has opposed the petition.

Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary produced before this Court with the assistance of Mr. Parasar, learned Additional Public Prosecutor.

It appears that the applicant has appeared before the I.O. and his statement is recorded. Further it appears that the applicant is cooperating with the investigating agency. Though the I.O., in his objection to the present petition stated that to ascertain the magnitude of the crime and the modus operandi, his custodial interrogation is necessary, this Court is left unimpressed by such prayer made by the I.O. and the submission made by Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam for the State respondent.

It appears that the I.O. has received substantial progress in the investigation and the custodial interrogation of the applicant seems to be not warranted in the interest of investigation and therefore, this Court is inclined to make the interim order, dated 20.04.2022, absolute in the same terms and conditions.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant