

GAHC010178312022



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

**Case No. : AB/2564/2022**

MD. HABIBAR RAHMAN  
SON OF ABDUL KHALEQUE  
R/O VILL- URIAGRANT  
TUBUKI, NAGAN SADAR,  
POLICE STATION IN THE DISTRICT OF NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. B M CHOUDHURY**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

**ORDER**

**Date : 31.10.2022**

Heard Mr. B. M. Choudhury, learned counsel for the petitioner. Also heard Ms. S. H. Bora, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioner, namely, **Md. Habibur Rahman**, apprehending arrest in connection with **Nagaon P.S. Case No. 838/2022** registered u/s **379/411** of the IPC read with Section **7** of the Essential Commodities Act.

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

It may be mentioned that by order, dated 05.09.2022, this Court granted the privilege of interim pre-arrest bail to the petitioner.

Ms. S. H. Bora, learned Addl. Public Prosecutor, submits that the case diary shows 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.

On perusal of the case diary, it is seen that there is no adverse report against the petitioner from the I.O., and, as such, this Court is of the view that custodial interrogation of the petitioner may not be necessary in the interest of the ongoing investigation into the case.

Therefore, the interim pre-arrest bail granted vide order, dated 05.09.2022 is hereby made **absolute**, subject to the following conditions-

- (i) That the petitioner shall co-operate in investigation as and when required; and
- (ii) That the petitioner 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 shall refrain from committing any similar offences in future of which he is suspected of commission.

Return the case diary.

This disposes off the anticipatory bail application.

**JUDGE**

**Comparing Assistant**