

GAHC010064782024



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

Case No. : AB/807/2024

SAKIR AHMED
S/O LATE LUTFULLA AHMED
R/O FAKIRTOLA
KAMRUP, PIN-781102

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

28.03.2024

Heard Mr. N.N. Upadhyaya, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor, for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure,

1973 for granting pre-arrest bail to the accused petitioner, namely, i.e. Sakir Ahmed, who is appending arrest, in connection with Chandmari P.S. Case No. 42 of 2024, registered under Section 120(B)/406/419/468/420 of the IPC.

3. The case of the prosecution is that an FIR was lodged on 19.02.2024 alleging inter-alia that two accused persons, namely, Sakir Ahmed and Ruhul Amin had convinced the informant to make a payment of Rs. 65,000/- for purchase of a TVS NTorq Scooty. It is further alleged that along with the aforesaid two accused persons there are more accused involved, out of which one of them is the petitioner.

4. Mr. N.N. Upadhyaya, learned counsel for the petitioner submits that the petitioner has been roped in unnecessarily. He further submits that the petitioner has no role to play in the offence alleged.

5. Mr. D. P. Goswami, learned Addl. P.P. on the other hand strongly opposes the prayer for bail. He further submits that the investigation has substantially progressed and the statements of the witnesses have been recorded from where, it appears that the adverse materials collected at this stage are primarily against the main accused, who is Ashish Hussain.

6. I have heard the submissions made at the Bar and I have perused the materials available on record.

7. It appears that there are no adverse materials at this stage available against the petitioner. Considering the same, this Court is of the considered view that custodial interrogation may not be justified for the ongoing investigation.

8. Accordingly, it is provided that in the event of his arrest, the petitioner named above, shall be released on pre-arrest bail in connection with the above noted case on furnishing bail bond of Rs. 30,000/- each with a suitable surety of

like amount to the satisfaction of the arresting authority, subject of course to conditions:-

(i) the petitioner shall appear before the Investigating Officer within 15 days failing which from the 16th day, the pre-arrest bail shall have no force;

(ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioners in the pending trial against them; and,

(iii) the petitioner shall refrain from committing any offence similar to that with which he has been accused of in the instant case.

9. With the above observation, this anticipatory bail application disposed of.

Send back the case diary.

JUDGE

Comparing Assistant