

Saiful Ahmed vs The State Of Assam on 22 April, 2021

Author: Ajit Borthakur

Bench: Ajit Borthakur

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GAHC010061112021

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

Case No. : AB/977/2021

SAIFUL AHMED
S/O IBRAHIM ALI AHMED, R/O SURJYAKHATA, WARD NO. 4, BILASIPARA,
P.O.-BILASIPARA, P.S.-BILASIPARA, DIST-DHUBRI, ASSAM, PIN-783348

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR Z HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

22.04.2021 Heard Mr. Z. Hussain, learned counsel for the petitioners and Mr. B.B. Gogoi, learned Addl. Public Prosecutor 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, Saiful Ahmed, apprehending arrest in connection with Dhubri P.S. Case No. 301/2018 (corresponding G.R. case Page No.# 2/2 No. 1015/2018) registered under Sections

498A/325/384/307/34 of the IPC.

Case diary is received without injury report.

It may be mentioned that by order, dated 26.03.2021, this Court granted the privilege of interim pre-arrest bail to the petitioner subject to conditions.

Mr. B.B. Gogoi, 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. in terms of the interim pre-arrest bail granted earlier and there is incriminating materials against the petitioner. However, keeping in consideration from the fact that the incident occurred between the informant and the petitioner due to some domestic violence and the pros and cons of the evidence available on the case diary, this Court finds that custodial interrogation of the petitioner may not be necessary in the interest of the ongoing investigation into the case.

Accordingly, the interim pre-arrest bail granted vide order, dated 26.03.2021 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.

Return the case diary.

This disposes off the anticipatory bail application.

JUDGE Comparing Assistant