

GAHC010000902024



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

Case No. : AB/35/2024

EYASIN ALI @ IYACHIN HOQUE
S/O KAMAR UDDIN SK.
R/O VILL- KEDAR PART-I,
P.O. DIMAKURI, P.S. GOLAKGANJ
DIST. DHUBRI, ASSAM
PIN CODE- 783334

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

19.02.2024

Heard Mr. S. Rahman, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Golakganj P.S. Case No.360/2023, under Section 365 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Eyasin Ali @ Iyachin Hoque, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Basiruddin Sheikh on 07.09.2023. The essence of allegation made in the aforesaid FIR is that his daughter Smt. X (name withheld), aged 16 years, was missing since 3:00 p.m. on 06.09.2023.

4. Mr. Rahman, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and that the victim girl has already been recovered and as per his information, charge-sheet has been submitted here in this case, being Charge-Sheet No.459/2023, dated 31.12.2023, under Section 365 IPC.

5. In view of the submission of learned Advocates of both sides, this Court is inclined to dispose of this anticipatory bail application by directing the applicant, namely, Eyasin Ali @ Iyachin Hoque, to appear before the learned Court below on or before 06.03.2024, and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law.

6. Till then, it is provided that in the event of arrest of the applicant, namely, Eyasin Ali @ Iyachin Hoque, in connection with Golakganj P.S. Case No.360/2023, under Section 365 IPC, he shall be released on interim pre-arrest bail on his executing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:-

- (i) The applicant shall appear before the learned Court below on or before 06.03.2024;
- (ii) The applicant 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) The applicant shall not leave the jurisdiction of the learned C.J.M., Dhubri, without prior permission.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant