

GAHC010021742024



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

Case No. : AB/264/2024

ASURUDDIN ALI
S/O- HAZRAT ALI, R/O- DAKHINGAON, KAHILIPARA, P.S.- DISPUR,
DISTRICT -KAMRUP(M), ASSAM,

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

06.02.2024

Heard Mr. S.H. Sikdar, learned counsel for the applicant and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant, namely,

Asuruddin Ali, who has been apprehending arrest in connection with Dispur P.S. Case No.384/2022, under Section 341/447/427/34 IPC and added Section 409 IPC, 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 Debabrat Mahanta on 17.02.2022. The essence of allegation made in the aforesaid FIR is that some unknown persons have closed the road leading to the land belonging to his father situated at Saukuchi, bearing Dag No.888, Patta No.191 and also tried to take possessions of the said plot of land by filling earth.

4. Mr. Sikdar, learned counsel for the applicant submits that the applicant is innocent and he is no way involved with the offence alleged in the FIR and the allegations made in the FIR are false and that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the applicant and that the investigation is going on and some of the co-accused are yet to be arrested and enlarging the applicant on pre-arrest bail at this stage will misdirect the same and therefore, it is contended to dismiss the petition.

6. Having heard the submission 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 with the assistance of Mr. Baruah, learned Additional P.P.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials against the present applicant and the investigation is going on and some of the co-accused are yet to be arrested and the entire angle of conspiracy is yet to be unearthed and at this stage it cannot be said that custodial interrogation of the applicant is not required in the interest of investigation. His custodial interrogation appears to be indispensable in the interest of investigation and accordingly, this Court is inclined to

dismiss the petition.

8. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant