

GAHC010000322024



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

Case No. : AB/3/2024

MIRAZUL HOQUE
S/O LT. SOFIUL HOQUE
VILL- PATAKATA
P.S.SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR, ASSAM, PIN-783127

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

29.02.2024

Heard Mr. A.Z. Ahmed, 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 South Salmara P.S. Case No.360/2023, under Section 294/353/379/506 IPC, read with Section 135 of the Electricity Act, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Mirazul 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 Shekh Abdulla on 21.12.2023. The essence of allegation made in the aforesaid FIR is that the applicant unauthorizedly used electricity connection at his premises and that he misbehaved with the informant and other staffs while they had conducted a drive to disconnect the unauthorized connection.
4. Mr. Ahmed, learned counsel for the applicant submits that this Court vide order dated 10.01.2024 was pleased to grant interim protection to the applicant and pursuant to the said order, he had appeared before the I.O. and cooperating with the investigating agency and therefore, a contention is being made that the interim order dated 10.01.2024, may be made absolute, in the same terms and conditions.
5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and confirmed appearance of the applicant before the I.O. and also submits that the I.O. has collected some materials in support of the allegation made in the FIR.
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. Sarma, learned Additional P.P.
7. In view of the cooperation being extended by the applicant with the investigating agency and also in view of the materials collected so far in the case diary as well as progress of investigation, further custodial interrogation of the applicant seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 10.01.2024, absolute, in the same terms and conditions. Case diary be returned.
8. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant