

GAHC010048832024



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

Case No. : AB/634/2024

AZIZUL AHMED
S/O BABLI AHMED, R/O ANUPAM NAGAR HATIGAON, P.S.-HATIGAON,
DIST-KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN**

ORDER

29.04.2024

Heard Mr. F. Haque, 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 Hatigaon P.S. Case No.15/2024 under Section 379/406 IPC, this application under Section 438 Cr.P.C. is preferred by applicant,

namely, Azizul Ahmed, for grant of pre-arrest bail.

3. It is to be noted here that the above-noted case has been registered on the basis of an FIR lodged by one Aminul Islam, on 27.01.2024. The essence of allegation made in the aforesaid FIR is that on that day, the informant along with one Kaushik Baruah proceeded to a restaurant in the name and style 'Street Zha' for having some food at around 10:30 p.m. and while he was coming out from the restaurant, then two persons, who introduced themselves as Suru and Anna have called him. Thereafter, on the way to home, he met an accident and became unconscious and then, he was taken to H&M Hospital, Hatigaon by them and after treatment, one person known as Jhon Markal asked him to pay a sum of ₹ 9,400/- which he paid, and again he paid a sum of ₹ 1,400/- to one Nur Alom, and later on, the two persons Suru and Anna dropped him near his house and ran away. Thereafter, when he checked his google-pay, he found that a sum of Rs.80,000/- was debited from his account to Jhon Markal, without his notice and again some failed transactions were also found to be made for a sum of ₹ 10,000/-, ₹ 10,000/- and ₹ 9,000/-.

4. Mr. Haque, learned counsel for the applicant submits that this Court, vide order dated 11.03.2024, was pleased to extend the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and further, Mr. Haque submits that the informant and the applicant both are business partners and that the applicant is ready to cooperate with the investigating agency and therefore, a contention is being made that the interim order dated 11.03.2024, 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 submits that the I.O. has collected sufficient incriminating materials against the present applicant and in fact, he has admitted having transferred a sum of ₹ 80,000/- from the account of the informant through google-pay and therefore, Mr. Sarma has opposed 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. Sarma, learned Additional P.P.
7. The case diary indicates that the I.O. has collected some incriminating materials in support of the allegation made in the FIR. But it also appears that the applicant pursuant to the order of this Court dated 11.03.2024, had appeared before the I.O. and cooperating with the investigating agency. It also appears from the case diary that the I.O. has achieved substantial progress in the investigation of this case and in that view of the matter, 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 11.03.2024, 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