

GAHC010032502024



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

Case No. : AB/406/2024

SADDAM HUSSAIN
S/O ATAB ALI
R/O BORAMABEEL,
P.S. SAMAGURI
DSIT. NAGAON, 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

09.04.2024

Heard Ms. F. Hussain, learned counsel for the applicant and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Samaguri P.S. Case No.15/2024 under

Section 379/411 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Saddam Hussain, for grant of pre-arrest bail.

3. The above-noted case has been registered on the basis of an FIR lodged by one Hobikul Islam on 09.01.2024. The essence of allegation made in the aforesaid FIR is that on the night of 08.01.2024, two cattle were stolen from the cowshed of the informant and also from the cowshed of one Hawa Bibi, W/o Azizul Hoque and thereafter, during enquiry on 09.01.2024, at about 10:00 a.m., they have recovered the stolen cattle from the house of one Islam Uddin.

4. Ms. Hussain, learned counsel for the applicant submits that this Court vide order dated 20.02.2024 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 cooperating with the investigating agency and therefore, a contention is being made that the interim order dated 20.02.2024, may be made absolute, in the same terms and conditions.

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 therefore, Mr. Baruah has opposed the petition. However, Mr. Baruah submits that the applicant had appeared before the I.O. and his statement is recorded.

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 some incriminating materials against the present applicant, but it also appears that material part of the investigation is almost over and the stolen two cows have already been recovered and seized by police. Further, it appears that the applicant has been cooperating with the investigating agency and he appeared before the I.O. pursuant to the order dated 20.02.2024 and cooperating

with the investigating agency.

8. 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 20.02.2024, absolute, in the same terms and conditions. Case diary be returned.

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

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant