

GAHC010055062024



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

Case No. : AB/708/2024

AMIRUT ZAMAN
S/O MOBARK ALI @ MURGA, VILL- ADITPUR, P.S.-KALGACHIA, DIST-
BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S ISLAM

Advocate for the Respondent : PP, ASSAM

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

ORDER

28.05.2024

Heard Mr. S. Islam, 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 Jalukbari P.S. Case No.70/2024, under Section 454/380 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Amirut Zaman, 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 Majnur Ali, on 17.02.2024. The essence of allegation made in the aforesaid FIR is that on 17.02.2024, at about 7:00 a.m. in the morning, two boys, namely, Intaz Ali and Kalu entered into his house to commit theft and then he raised hue and cry and the local public apprehended one of the thieves and recovered a ceiling fan from his possession.

4. Mr. Islam, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail by this Court vide order dated 08.04.2024 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 to make the interim order dated 08.04.2024, absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, submits that he has not received the case diary. But, as per his instruction the I.O. has completed investigation and submitted charge-sheet, being Charge-Sheet No.37/2024, dated 26.01.2024 under Section 454/380 IPC.

6. 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 to appear before the learned Trial Court on or before **12.06.2024** and to apply for regular bail, and in the event of filing such an application, the learned Trial Court shall consider the same in accordance with law. Till then, interim order passed on 08.04.2024 stands extended.

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

Sd/- Robin Phukan
JUDGE