

GAHC010049982024



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

Case No. : AB/618/2024

TAYEB ALI KHAN AND 8 ORS.
S/O SUKUR ALI KHAN, R/O VILL- BARAPETA, P.S.-GOBARDHANA, DIST-
BAKSA (BTR), ASSAM

2: AROB ALI BATSHA
S/O LATE HURMUZ ALI
R/O VILL- NICHUKA
P.S.-BARPETA ROAD
DIST-BARPETA
ASSAM

3: RUHUL AL-AMIN
S/O GOLAP RABBANI
R/O VILL-KHAIRABARI
P.S.-BARPETA ROAD
DIST-BARPETA
ASSAM

4: RTUL AL-AMIN
S/O GOLAP RABBANI
R/O VILL-KHAIRABARI
P.S.-BARPETA ROAD
DIST-BARPETA
ASSAM

5: SHAHA ALOM
S/O LATE TAYEB ALI
R/O VILL-KHAIRABARI
P.S.-BARPETA ROAD
DIST-BARPETA
ASSAM

6: MAFIDA KHATUN
W/O SHAHA ALOM

R/O VILL-KHAIRABARI
P.S.-BARPETA ROAD
DIST-BARPETA
ASSAM

7: AJIJUL RAHMAN
S/O SAHIDUL ISLAM
R/O ALONGMARI
P.S.-GOBARDHANA
DIST- BAKSA (BTR)
ASSAM

8: MAYCHIN ALI
S/O ABDUL SATTAR
R/O VILL- BARAPETA
P.S.-GOBARDHANA
DIST-BAKSA (BTR)
ASSAM

9: ANIRBAN BHAR
S/O LAKSHMINAYAN BHAR
R/O VILL- SOMASPUR
P.S.-DHANIAKHALI
DIST-HOOGLY
WEST BENGAL

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

01.05.2024

Heard Mr. N. Ahmed, learned counsel for the applicants and also heard Ms. N. Das,

learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Bokajan P.S. Case No.10/2024 under Section 420/406 IPC, this application under Section 438 Cr.P.C. is preferred by nine applicants, namely, Tayeb Ali Khan, Arob Ali Batsha, Ruhul Al-Amin, Ratul Al-Amin, Shaha Alom, Mafida Khatun, Ajijul Rahman, Maychin Ali and Anirban Bhar, 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 Lakshmi Saha, on 23.02.2024. The essence of allegation made in the aforesaid FIR is that since one month, a group of unknown persons at Bokajan Ward No.2 at Chandrapur under Bokajan P.S., with some local Asha Karmis of Bokajan and Khatkhathi area, conducted camp and collected a sum of ₹ 30/- in the name of registration and ₹ 500/-, ₹ 800/- and ₹ 1,000/-, in the name of giving spectacles fraudulently and they did so without obtaining permission from the departmental authorities.

4. Mr. Ahmed, learned counsel for the applicants submits that pursuant to the order of this Court dated 11.03.2024, by which the privilege of interim pre-arrest bail was granted to the applicants, they appeared before the I.O. and their statements have been recorded and they have been cooperating with the investigating agency and therefore, Mr. Ahmed contended that the interim order dated 11.03.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Ms. N. Das, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and confirmed appearance of the applicants before the I.O. However, Ms. Das submits that the I.O. has collected sufficient incriminating materials against the applicants and that the investigation is going on and therefore, Ms. Das 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 Ms. Das, learned Additional P.P.

7. The case diary indicates that the applicants have appeared before the I.O. and cooperating with the investigating agency. Though the I.O. has collected some incriminating materials against the applicants, yet their custodial interrogation, in the interest of investigation 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