

GAHC010100792023



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

Case No. : Bail Appln./1672/2023

ANASH BIN HAFIZ
S/O LATE HAFIZUL ISLAM
R/O SANTIPUR MASJID GALI
P.O. AND P.S. BHARALUMUKH IN THE DIST. KAMRUP (M), ASSAM, PIN
-781009

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR G Z AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

26-05-2023

Heard Mr. G.Z.Ahmed, learned counsel for the petitioner and Mr. M.P.Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 CrPC, the petitioner, namely, **Md. Anash Bin Hafiz @ Rana**, is seeking bail in connection with Bharalumukh Police Station Case No. 133/2023 registered under Sections 353/326(A) IPC wherein he was arrested on 25.04.2023 and since then he is in custody.

As per the FIR of the case dated 25.04.2023 lodged by the Sub-Divisional Engineer (SDE), Fatasil Electrical Sub-Division, APDCL (LAR), Fatasil that during the disconnection of electricity drive carried out by the personnel of the office of the SDE, Fatasil Electrical Sub-Division on 25.04.2023 around 01:15 pm in the premise of one Sayera Begum at Santipur Mazid Gali, it was found that the said premise was availing electricity from neighbour's meter. As it was a case of unauthorized use of electricity under Section 126 of the Electricity Act, 2003, the authorities of the APDCL while tried to disconnect the electricity connection in the said premise, the petitioner @ Rana Islam, son of Sayera Begum assaulted the meter readers who were on duty and also sprayed some chemicals in their eyes and further, they beat another meter reader with a stick who was present therein.

Mr. Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that the statements so far as recorded by the concerned Investigating Officer of the case reveals that while personnel from the APDCL tried to disconnect the electricity connection in the premise of the mother of the petitioner, there was a quarrel and in that backdrop, the meter readers were assaulted during the said quarrel.

Considering the above and the period of detention of the petitioner in custody since 25.04.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Bharalumukh P.S. Case No. 133/2023. As such, this bail application of the petitioner is accepted.

Accordingly, the petitioner, namely, **Md. Anash Bin Hafiz @ Rana**, be released on bail in said Bharalumukh P.S. Case No. 133/2023 on furnishing a bail bond of Rs. 40,000/- with 2 (two) local sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro) on conditions that the petitioner shall – **(i)** appear before the concerned Investigating Officer of said Bharalumukh P.S. Case No. 133/2023 as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of Bharalumukh Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case, **(iii)** not hamper with the investigation or tamper with the evidence of the case and **(iv)** not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him/her from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Bharalumukh P.S. Case No. 133/2023 shall stand automatically vacated.

Bail application accordingly stands allowed.

Return the case diary.

JUDGE

Comparing Assistant