

GAHC010104202023



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

Case No. : AB/1728/2023

AFAZ UDDIN
S/O LATE AHMED ALI FAKIR
R/O VILL- LANKAJAN
P.O. TINIALI BAZAR
P.S. LANKA
DIST. HOJAI, ASSAM
PIN CODE-782435

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K SHARMA

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

30-05-2023

Heard Ms. B. Bhuyan, learned counsel for the petitioner and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 438 CrPC, the petitioner, namely, **Afaz Uddin**

apprehending his arrest is seeking pre arrest bail in Lanka P.S. Case No.187/2023 registered under Sections 420/384/468 IPC.

Perused the case diary produced before the Court today by Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam.

It is seen that few months prior to filing of the FIR of the case, on 18.03.2023, two students of Class-IX and X of Moulana Abdul Hannan Khan High School involved in some adult activities that was made viral in some website. Both the students of the School involved in the said incident were issued transfer certificate. Thereafter, the informant lodged the FIR against the petitioner before the Officer-in-Charge of Lanka Police Station, who is the Headmaster of said High School regarding his inefficiency in managing the said School, his B.Ed. Pass certificate and also recommending a candidate for the post of Vice-President of the Managing Committee of the said School, which was accordingly registered as Lanka P.S. Case No.187/2023 under Sections 420/384/468 IPC.

It is seen that the petitioner after obtaining interim pre arrest bail on 17.05.2023 in said Lanka P.S. Case No.187/2023 appeared before the I.O. of the case on 21.05.2023 and his statement has also been recorded. The concerned I.O. has also seized his B.Ed. pass certificate, his marksheet issued by the Gauhati University in the year 2015 and other relevant documents issued to him by the Inspector of Schools, Nagaon and Gauhati University in his favour regarding his said B.Ed. Degree.

On perusal of the case diary and the FIR of the case, the Court is of the view that custodial detention of the petitioner, named above, is not warranted to investigate the said Lanka P.S. Case No.187/2023. Accordingly, this pre arrest bail application of the petitioner is accepted.

The petitioner namely, **Afaz Uddin** is already on interim bail in said Lanka P.S. Case No.187/2023 granted to him earlier on 17.05.2023 and the same is hereby made absolute on the terms and conditions that the petitioner shall - **(i)** appear before the Investigating Officer of Lanka P.S. Case No.187/2023, as and when he is required for necessary investigation of said Lanka P.S. Case; **(ii)** not leave the territorial jurisdiction of the Lanka 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 them from disclosing such facts to the Court or to any police officer.

However, it is made clear that if after investigation of the case, charge-sheet is filed in said Lanka P.S. Case No.187/2023, wherein he is made an accused and if any, cognizance of offence is taken against the petitioner in said Lanka P.S. Case No.187/2023 corresponding to G.R. 659/2023, he shall appear before the appropriate Trial Court.

With the above observation and directions, this pre arrest bail application accordingly stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant