

GAHC010120542023



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

Case No. : AB/2004/2023

RAMJAN ALI @ SAHIL KHAN
S/O LATE ABDUL KARIM, R/O HATIGAON CHARIALI, P.O.-HATIGAON, P.S.-
HATIGAON, DIST-KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A R BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 13.10.2023

Heard Mr. A.R. Bhuyan, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State.

2. This is the second bail application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Ramjan Ali @ Sahil Khan**, who is apprehending arrest in connection with **Hatigaon Police Station Case No. 111/2023**, registered under **Sections 341/384/392/323/506 IPC**.

3. The learned counsel for the petitioner has submitted that the allegations made against the petitioner are totally false and concocted. It is also submitted that on the day of the incident, a quarrel took place between the petitioner and the informant. It is further submitted that there is enmity between the informant and the petitioner, therefore, the informant falsely implicated the petitioner in the instant case. The learned counsel for the petitioner has further submitted that any condition may impose for considering the prayer of the petitioner. Under such background and the nature of offence as alleged in the FIR, benefit of pre-arrest bail may be extended to the petitioner.

4. On the other hand, the learned Additional Public Prosecutor for the State has opposed in granting the privilege of pre-arrest bail to the petitioner. It is also submitted no any new ground has been shown by the learned counsel for the petitioner for considering the second bail application.

5. I have perused the case diary along with the documents available on record. It reveals that as per allegation, Rs.4,750/- was snatched away by the petitioner but the said money was not recovered during the course of investigation. From the medical report, it also reveals that the injuries sustained by the injured was simple in nature caused by blunt object.

6. Considering the materials available in the case diary as well as the

documents available on record, this Court finds that custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, he is granted the privilege of pre-arrest bail.

7. Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with **Hatigaon Police Station Case No. 111/2023**, registered **under Sections 341/384/392/323/506 IPC**, he shall be released on furnishing bail bond of **Rs.20,000/-** with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

8. The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) shall 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 from disclosing such facts to the Court or to any police officer.

(c) shall not commit such offence as alleged in the FIR in future.

9. That being so, if the petitioner violates any of the above condition(s) in future, the learned Public Prosecutor shall apprise this Court to cancel the bail order.

10. The anticipatory bail application stands disposed of accordingly.
11. Return the case diary.

JUDGE

JUDGE

Comparing Assistant