

GAHC010234982022



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

Case No. : AB/3426/2022

SHARPAT ALI @ SARFAT ALI
S/O LT. ABDUL SABUR,
VILL.- 1 NO. ARIMARI PUB CHUBA,
P.S.- KHARUPETIA,
DIST.- DARRANG (ASSAM).

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 03-01-2023

Heard Mr. M. Ahmed, learned counsel for the petitioner and Mr. B. Sharma, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 438, Code of Criminal Procedure,

1973 [CrPC], the petitioner viz. Sharpat Ali @ Sarfat Ali has approached this Court seeking the benefit of pre-arrest bail, apprehending his arrest, in connection with Kharupetia Police Station Case no. 277/2022, registered for offences punishable under Sections 447/325/307/34, Indian Penal Code [IPC].

3. In the First Information Report [FIR] lodged on 06.10.2022, the informant has brought allegation against the petitioner herein to the effect that at the instance of the petitioner, the other accused person arraigned as accused no. 2 viz. Said Ali had physically assaulted the informant by an iron rod. Though the attempt was made to hit the head of the informant, the same was inflicted on his hand and as a result, he suffered fracture on his hand.

4. Mr. Ahmed, learned counsel for the petitioner has projected that the informant has exaggerated his version in the FIR and the informant never sustained any grievous injury.

5. Mr. Sharma, learned Additional Public Prosecutor who has received the case diary, has submitted that the injury sustained by the informant was simple in nature and was allegedly committed by blunt object.

6. Having considered the materials in the case diary, more particularly, the fact that the informant had sustained simple injury caused by blunt object, I am of the considered view that custodial interrogation of the petitioner for the purpose of carrying out further investigation of the case is not necessary and his release on pre-arrest bail, at this stage of investigation, is not unlikely to bring any adverse effect in the further investigation of the case, provided the petitioner continues to extend his assistance and co-operation in the further investigation of the case.

7. Accordingly, it is provided that in the event of arrest of the petitioner

in connection with Kharupetia Police Station Case no. 277/2022, he shall be released on bail on furnishing a bail bond of Rs. 25,000/- with one local surety of the like amount to the satisfaction of the arresting authority, subject to the conditions that :

[i] the petitioner shall appear before the Investigating Officer [I.O.] of the case within 7 [seven] days from today and shall co-operate with the investigation and shall thereafter, make himself available for interrogation whenever required by the I.O. of the case;

[ii] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

[iii] the petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

The bail petition stands disposed of in the aforesaid terms.

JUDGE

Comparing Assistant