

GAHC010004982024



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

Case No. : AB/77/2024

GULJAR ALI
S/O LATE HAMID ALI
R/O VILL- SONARISAL,
P.S. BAIHATA CHARIALI,
DIST. KAMRUP, ASSAM
PIN-781381

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR
Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.01.2024

This is an application under Section 438 of the CrPC in respect of Baihata Chariali Police Station Case No.373/2023, registered under Sections 341/ 294/ 307/ 326/506 of the Indian Penal Code.

I have heard the learned counsel Mr. S. Munir appearing for the petitioner. Also heard Mr. K.K. Parasar, the learned Addl. Public

Prosecutor representing the State of Assam. Ms. S. Naznin, learned counsel appears for the informant.

On 05.12.2023, Md. Khursan Ali had lodged the FIR alleging that while he was returning from his shop at Balikuchi Chowk, he was attacked by the present petitioner. It is further alleged that the present petitioner had hit his hand with a shovel with an intention to kill him. But he sustained injury on his left hand only.

The medical report available with the case diary shows that the informant sustained soft tissue injury on his left arm.

Considering the aforesaid facts, no case under Sections 307 and 326 are made out against the present petitioner. Therefore, he does not deserve to be detained in custody.

Accordingly, it is hereby directed that in the event of arrest in connection with Baihata Chariali Police Station Case No.373/2023, registered under Sections 341/ 294/ 307/ 326/506 of the Indian Penal Code, the petitioner Guljar Ali shall be released on bail of ₹25,000/- with a surety of like amount to the satisfaction of the arresting authority. The petitioner is directed to co-operate with police investigation as and when required.

With the aforesaid direction, the application for bail is disposed of.

Case diary shall be returned.

JUDGE

Comparing Assistant