

GAHC010019252024



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

Case No. : AB/237/2024

KABIR HUSSAIN
SON OF ABUL HUSSAIN, RESIDENT OF VILLAGE- BAGAN, P.O.
KATHALTOLI, P.S. BAZARICHERA, DISTRICT- KARIMGANJ, ASSAM

VERSUS

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

Advocate for the Petitioner : MR A T M HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

14.03.2024

Heard Mr. A.T.M. Hussain, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor, for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973 for granting pre-arrest bail to the accused petitioner, namely,

i.e. Kabir Hussain, who is appending arrest, in connection with Bazaricherra P.S. Case No. 06/2024, registered under Section 142/148 /149 /152 /341 /353 /307 / 332 /392 /436 /511 of the IPC.

The facts of the case of the prosecution is that on 05.01.2024, an information was received from the In-charge, Kathaltoli Watch Post that approximately 200 numbers of people has assembled unlawfully at the market and blocked 208 A national highway and as such, the informant, along with his staff proceeded towards the place of occurrence and after reaching there when they asked the people gathered there, to clear the road, 22 numbers of accused persons and others mentioned in the FIR dragged the informant inside the mob with intention to kill him and tear off his uniform and also snatched his name plate from his uniform. Accordingly, a case was registered.

Mr. A.T.M. Hussain, learned counsel for the petitioner submits that the petitioner was present at the place of occurrence for purchasing some goods and his name has been dragged into the case only on the basis of suspicion as he was present there.

Mr. D. Das, learned Additional Public Prosecutor, Assam, on the other hand, opposes the prayer for bail. He submits that there are materials available on record implicating the presence of the accused petitioner in the place of occurrence.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears that there are no materials available on record, which specifically implicates the petitioner of the alleged offence.

Considering the facts and circumstances of the case, it is provided that in the event of arrest, the petitioner named above, shall be released on pre-arrest

bail in connection with the above noted case on furnishing bail bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject of course to conditions:-

- (i) the petitioner shall appear before the Investigating Officer within 7 days failing which failing which from the 8th day, the pre-arrest bail shall have no force;
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioner in the pending trial against them; and
- (iii) the petitioner shall refrain from committing any offence similar to that with which he has been accused of in the instant case.

With the above observation, this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant