

GAHC010037532024



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

Case No. : AB/470/2024

ANISUR HOQUE SARKAR
S/O BOSHKO SARKAR
R/O VILL- MOTERJHAR PT.I
P.S. GOLAKGANJ,
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A RAHMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

27.02.2024

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

This application, under Section 438 of the Code of Criminal Procedure, 1973, for grant of pre-arrest bail to the accused/ petitioner, who is apprehending arrest in connection with PRC Case No.873/2023 arising out of Golakganj P.S. Case No.527/2019, under Section 457/376/294/506/325 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner, Mr. Rahman, that the FIR was lodged against the accused/petitioner with some false and concocted allegation. He also submits that the accused/petitioner was not aware about the pendency of the case, however, he came to know about this case only after receiving summon from the Court. The case has already been charge-sheeted vide C.S. No.846/2021 dated 31.12.2021 and upon receiving the charge-sheet, the learned Divisional Magistrate(S), Dhubri had issued process against the petitioner and accordingly, the case is registered as PRC Case No.873/2023 and presently the case is posted on 04.03.2024 for appearance of the accused person. Thus, there is an apprehension of being arrested in connection with this case and accordingly, he prays for interim protection till his appearance before the Trial Court.

In this context, Ms. Bhuyan, learned Additional Public Prosecutor raised no objection in granting interim protection to the accused/petitioner till his appearance before the learned Trial Court.

Considering the submissions of learned counsels for both sides as well as considering the entire fact of the case, it is provided that the petitioner shall appear before the Court of learned Divisional Magistrate(S), Dhubri on or before 04.03.2024 and on his appearance and on his filing a petition for grant of regular bail, the learned Court below shall consider the

same in accordance with law along with that no coercive action shall be taken against him. Till then, the execution of the NBWA, if any shall be stayed.

In terms of above, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant