

GAHC010045242024



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

Case No. : AB/576/2024

SOBIAL HOQUE
S/O TASER ALI
VILL- BIRSING PT.I
P.S. FAKIRGANJ
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S RANA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 25.04.2024

Heard the learned counsel for the parties.

The petitioner is a charge sheeted accused in connection with PRC case No.1137/2023 under section 120(B)/376(1)/506 IPC pending in the court of the learned SDJM, Dhubri arising out of Fakirganj PS Case

No.87/2023 and the case is at the appearance stage.

The petitioner has approached this court primarily on the ground that during the investigation the applicant was not searched by the investigating authority. Though he was charge sheeted and sent for trial and was shown as an absconder, he was not aware of the pendency of the police case and therefore, he is entitled for grant of pre arrest bail inasmuch as he is not involved in the case.

This court had earlier called for the case diary as well as the scanned copies of the record of the learned trial court below. Same are received

Perused the same.

The aforesaid materials discloses prima facie case against the petitioner inasmuch as the house of the petitioner was searched by the investigating authority in presence of the witnesses on several occasion, however, he was not available. Therefore the contention of the petitioner that the house was not searched and he was not aware of such proceeding did not find favour of this court.

Accordingly the present petition stands dismissed.

JUDGE

Comparing Assistant