

GAHC010053812024



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

Case No. : AB/689/2024

RAFIQUL ISLAM
S/O LT. AKTAR HUSSAIN, VILL- BAYJERALGA PT-III, P.O.-NAYERALGA,
P.S.-BILASIPARA, DIST-DHUBRI, ASSAM, PIN-783348

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

28.03.2024

Heard Mr. M.U. Mondal, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, for the State respondent.

2. 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. Rafiquil

Islam, who is apprehending arrest, as the I.C, Nayeralga Police Out-Post has been searching for him.

3. The case of the petitioner is that on 04.03.2024 one Sub-Inspector from the Nayeralga Police Out-post entered into his dwelling house and tortured his family members. Accordingly, the petitioner filed a complaint before the Superintendent of Police, Dhubri, against the Sub-Inspector on 08.03.2024. However, no action has been taken on the said complaint. Apprehending that the petitioner shall be arrested in connection with a non-bailable offence, the present anticipatory bail application has been filed.

4. In terms of the order dated 21.03.2024, a report has been called from the concerned police station, as whether any criminal case is pending against the petitioner.

5. It is submitted by Mr. R.J. Baruah, learned Add. P.P. that as per information received, there is no criminal case pending against the petitioner.

6. In view of the aforesaid endorsement made by the learned Addl. P.P. for the State respondent, this anticipatory bail application is devoid of any merit whatsoever. The apprehensions of the petitioner cannot be looked into while exercising power under Section 438 Cr.P.C.

7. Accordingly, this anticipatory bail application stands dismissed.

JUDGE

Comparing Assistant