

GAHC010064212024



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

Case No. : AB/812/2024

ANARUL ISLAM
S/O LATE ABED ALI, R/O VILL NO 2 ISLAMPUR, P.S.-BIHPURIA, DIST-
LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N HASAN

Advocate for the Respondent : PP, ASSAM

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

09.04.2024

Heard Mr. N. Hasan, learned counsel of the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor representing the State respondent.

This application is filed under Section 438 of Code of Criminal Procedure, 1973 praying for grant of pre-arrest bail to the accused/petitioner in connection with Bihpuria P. S. Case No.40/2024 under Section 120(B)/406/420/489-B/489-C of IPC (Corresponding to GR Case No. 153/2024).

I have received the Case Diary and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Hasan that the accused/petitioner is innocent and he is not all involved in the alleged incident as stated in the FIR, however, there is an apprehension that he may be arrested in connection with this case as the police visited his house on a few occasions. Further, the petitioner is ready and willing to co-operate with the I.O. for investigation of the case, if he is granted with the privilege of pre-arrest bail.

On the other hand, Mr. Borthakur, learned Public Prosecutor, has submitted that there is a sufficient incriminating material against the accused/petitioner. Accordingly, he raised objection on the prayer made on behalf of the accused/petitioner.

Considering the submissions of the learned Counsels for both sides and also considering the materials available in the Case Diary as well as the nature

of offence and the punishment prescribed for the same, I find that further custodial interrogation of the accused/petitioner may be necessary to unearth some more facts of the case and accordingly, I am of the view that this is not a fit case where the privilege of pre-arrest bail can be granted to the accused/petitioner at this stage and accordingly, the same stands rejected.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant