

GAHC010072142024



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

Case No. : AB/936/2024

MD. PAJIRUL @ FAJIRUL ABBASHI
S/O ABJAR ALI, VILL.- MAROI, P.S.- SIPAJHAR, DISTRICT- DARRANG,
ASSAM, PIN- 784145.

VERSUS

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

Advocate for the Petitioner : MS. S DEVI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 06-05-2024

- 1.** Heard Ms. S. Devi, learned counsel for the petitioner and also heard Mr. M.P. Goswami, the learned Addl. PP appearing on behalf of the State respondent.
- 2.** This is an application under Section 438 of the Code of Criminal Procedure,

1973, praying for grant of pre-arrest bail to the accused/petitioner, namely, Md. Pajirul @ Fajirul Abbashi who is apprehending arrest in connection with P.R.C. Case No. 1542/2023 pending before the Court of SDJM(S) in connection with Sipajhar Police Station Case No. 485/2022, under Sections 394 of the Indian Penal Code.

3. It is submitted by Ms. Devi that the present accused-petitioner is innocent and he is not involved with the alleged offence nor he is an FIR named accused. The only allegation against him is that he is the friend of other co-accused-persons, and that apart, he is not aware of the case that an FIR lodged by the informant. The other co-accused-persons were already arrested during the investigation of the case. He is apprehending arrest as the police searching for him, but he is not involved in the present case. However, he is ready and willing to appear before the learned trial Court if he is granted with the privilege of pre-arrest bail.

4. In this context Mr. Goswami, the learned Addl. PP has submitted that from the scanned copies of the LCR it is seen that the present accused-petitioner is shown as an absconder in the charge-sheet and from the Case Diary it reveals that the IO made several attempt to apprehend the present accused-persons and several house search were made but the present accused-persons were found absconding and hence they could not be arrested during the investigation of the case. More so, from the statement available in the Case Diary shows that he is very much involved in the alleged offence and accordingly the learned Addl. PP has submitted that this is not at all a fit case to grant the privilege of pre-arrest bail. However, he may be directed to appear before the learned Court below within a month.

5. Considering the submissions of learned counsel for both sides and on

perusal of the LCR, I find that this is not a fit case to grant the privilege of pre-arrest bail for the present accused-petitioner. However, he may approach the learned Court below with an appropriate application for bail, which may be considered in accordance with law.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant