

GAHC010074532024



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

Case No. : AB/960/2024

MONJUR AHMED
S/O FAZAR ALI, R/O VILL- KACHARI GAON, P.S.-JURIA, DIST- NAGAON,
ASSAM, PIN-782124

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

01.05.2024

Heard Mr. A. Deka, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Juria P.S. Case No.69/2024, under Section 294/323/354/379 IPC, this application under Section 438 Cr.P.C. is preferred by applicant,

namely, Monjur Ahmed, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Smt. X (name withheld), on 26.03.2024. The essence of allegation made in the aforesaid FIR is that on that day, Md. Manjur Hoque called her over phone to take money and when she reached there, then the accused assaulted her by slapping and administering upon her blow and also dragged her by holding her hairs and taken away her ear rings by using slang language and also assaulted her by means of a piece of wood and also took away her mobile phone.

4. Mr. Deka, learned counsel for the applicant submits that though the case has been registered under Section 294/323/354/379 IPC, yet except Section 354 IPC, rest of the offences are bailable and that no offence under Section 354 IPC is made out against the present applicant and that he is ready to cooperate with the investigating agency and therefore, Mr. Deka contended to allow the petition.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and referring to the medical report of the injured informant, Mr. Sarma submits that she has sustained two injuries, one is grievous and the other is simple and the grievous injury was caused by sharp object and that the I.O. has also collected sufficient incriminating materials against the applicant and therefore, Mr. Sarma contended to dismiss the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials in support of the allegation made in the FIR. The medical report of the informant, which is available in the case diary, indicates that she had sustained two injuries, one is grievous injury caused by sharp object and the other one is simple injury caused by blunt object. The investigation is in nascent stage and extending the privilege of pre-arrest bail to the

applicant at this stage will hamper the investigation. Having considered above and also considering the nature and gravity of the offence, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be granted to the applicant and accordingly, the anticipatory bail application stands dismissed.

8. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant