

GAHC010081372024



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

Case No. : AB/1054/2024

ALOMGIR RAHMAN
S/O BAKKUL SHEIKH,
R/O GERAMARI PART-V, P.S.- GAURIPUR, DIST.- DHUBRI (ASSAM).

VERSUS

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

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

21.05.2024

Heard Mr. H. R. A. Choudhury, learned Senior Counsel assisted by Mr. I. U. Chowdhury, learned counsel for the petitioner. Also heard Mr. D. Das, learned

Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure praying for grant of pre-arrest bail to the accused/petitioners, who is apprehending arrest in connection with Gauripur P.S. Case No. 99/2024, under Sections 120B/147/ 148/353/325/307/34 of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. H. R. A. Choudhury, learned Senior Counsel for the petitioner, that the present accused/petitioner is innocent and he has not committed any such offence as alleged in the F.I.R. It is a fact that after an accident, there was hue and cry and when the police personnel arrived at the place of occurrence, the present petitioner also went to the place of occurrence subsequently. But, he has been named in the F.I.R. with some false allegation. However, he has already appeared before the I.O. after obtaining the interim pre-arrest bail and co-operated in the investigation. His statement is also recorded under Section 161 Cr.P.C. He is still ready and willing to co-operate with the I.O. in the further investigation of this case if he is granted with the privilege of pre-arrest bail.

In this context, Mr. D. Das, learned Additional Public Prosecutor, has submitted that the present accused/petitioner has already appeared before the I.O. and co-operated in the investigation of this case and there is no such incriminating materials against the present accused/petitioner, though it is a case where some persons were present at the place of occurrence and tried to

resist the police personnel from discharging their duty. Accordingly, he submitted that the custodial interrogation of the present accused/petitioner may not be necessary in this case.

Considering the submissions made by the learned counsels of both sides and also considering the materials available in the Case Diary as well as the conduct of the accused/petitioner, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioner vide order dated 24.04.2024, is hereby made absolute in the same terms and conditions.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant