

GAHC010082782024



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

Case No. : AB/1075/2024

GULZAR HUSSAIN
SON OF KADDUS ALI, RESIDENT OF KABAYMARI PUB KHANDA, P.S.
SAMUGURI, SUB-DIVISION- KALIABAR, IN THE DISTRICT OF NAGAON,
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR S DEWRI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

14.05.2024

Heard Mr. S. Dewri, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor, Assam.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-

arrest bail by the petitioners, namely, **Gulzar Hussain**, in connection with **PRC Case No. 56/2024, arising out of Raha PS Case No. 139/2023** registered under **Section 379/279/302/34 IPC**.

It is submitted by the learned counsel for the petitioner that though the accused was shown as absconder in the charge-sheet, it is not a case of murder but an accident. The charge-sheet has been wrongly submitted against the petitioner. He is innocent and no way connected with the alleged offence. It is further submitted that the petitioner is the owner of the vehicle bearing No.AS 11 L 7795 by which the incident occurred. It is also submitted that as the petitioner was shown as absconder in the charge-sheet, he apprehends to appear before the CJM, Nagaon. According to the learned counsel for the petitioner as the petitioner is no way connected with the death of the deceased persons, the benefit of pre-arrest bail may be extended to the petitioner.

On the other hand, Mr. R. J. Baruah, learned Additional Public Prosecutor submits that as charge-sheet has been submitted, the petitioner is at liberty to approach before the trial court seeking regular bail.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

As the charge-sheet has been submitted showing the petitioner as absconder it transpires that he has not appeared in the event of investigation. The petitioner appears to be the owner of the vehicle by which the incident occurred. It also appears from the charge-sheet that some articles were recovered from the said vehicle for commission of the offence. Accordingly, this Court is not inclined to grant bail to the petitioner.

Hence, prayer for bail is rejected.

However, the petitioner may approach before the trial court seeking regular bail and in the event of filing any application for bail, learned trial court may consider the matter in accordance with law.

JUDGE

Comparing Assistant