

GAHC010083652024



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

Case No. : AB/1091/2024

HARSHA JYOTI HAZARIKA
S/O LATE ASHOK KUMAR HAZARIKA,
R/O TAPUBAN NAGAR, DULIAJAN LANE NO. 4, DULIAJAN, DIBRUGARH
DISTRICT, ASSAM, PIN- 786602.

VERSUS

THE STATE OF ASSAM
REP. BY THE PUBLIC PROSECUTOR.

Advocate for the Petitioner : MR S ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 07-06-2024

Heard Mr. D. Deka, learned counsel for the petitioner Sri Harsha Jyoti Hazarika.

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for pre-arrest bail as he is

apprehending arrest in connection with Duliajan Police Station Case No. 75/2024 under Sections 457/326/294/34 of the Indian Penal Code, 1860.

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that on the intervening night of 25.03.224 and 26.03.2024, the petitioner went to the house of the informant and attacked her husband causing grave injuries on his person.

5. I have scrutinized the Case Diary and the medico-legal report of the injured person Latumoni Rajkonwar.

6. The learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the Case Diary against the petitioner.

8. The learned counsel for the petitioner has submitted that the petitioner has appeared before the Investigating Officer and he has cooperated with investigation and he is willing to abide by any stringent conditions if imposed upon him. He is a local resident and he is not flight risk.

9. I have considered the submissions at the bar with circumspection. I have scrutinized the Case Diary. Indeed there are incriminating materials against the petitioner. The merits of this case are not brought to the fore.

10. Considering all aspects and in view of my foregoing discussions, the interim order dated 29.04.2024 is hereby made absolute.

11. In the above terms, this Anticipatory Bail application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant