

GAHC010084112024



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

Case No. : AB/1107/2024

SAIFUL ISLAM @ MONBABU ISLAM
S/O SOHIJOL HOQUE @ SOFIJOL,
VILL.- BHIMAPARA, HATSINGIMARI,
P.S.- SOUTH SALMARA, DIST.- SOUTH SALMARA MANKACHAR, ASSAM,
PIN- 783105.

VERSUS

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

Advocate for the Petitioner : MR. M ISLAM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

08.05.2024

Heard Mr. M. Islam, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

This application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with South Salmara P. S. Case No.31/2024 (GR Case No.79/2024) under Sections 147/148/143/325/326/307/379 of the Indian Penal Code.

The Case Diary has been received and I have perused the same.

It is submitted by Mr. Islam, learned counsel for the petitioner that the accused/petitioner is innocent and he is not at all involved in the alleged offence. Rather he raised voice to stop the quarrel and to save the victim. He further submits that the petitioner already appeared before the IO after obtaining the order of interim pre-arrest bail. He is ready and willing to co-operate with the I.O. in the further investigation of the case, if he is granted with the privilege of pre-arrest bail.

In this context, the learned Additional Public Prosecutor, Mr. Sharma, has submitted that there is sufficient incriminating material against the accused/petitioner showing his direct involvement in the alleged offence. Rather, the accused/petitioner is the main culprit of the alleged offence and he is the one who assaulted the victim by using sharp weapon and as a result of which the victim sustained grievous injury on his chest and also sustained head injury. Accordingly, the learned Additional Public Prosecutor raised objection in granting pre-arrest bail to the accused/petitioner.

Considering the submissions made by the learned counsels for both sides and

also considering the incriminating materials available in the Case Diary, I find that custodial interrogation of the accused/petitioner may be necessary for the interest of justice and therefore, I find it not a fit case to grant the privilege of pre-arrest bail to the accused/petitioner and accordingly, the same stands rejected. Consequently, the interim order dated 02.05.2024 stands vacated.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant