

GAHC010088262024



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

Case No. : AB/1154/2024

NUR MAHAMMAD ALI
S/O SHAHEB ALI
R/O VILL- JAPIYA
P.S. HAJO
DIST. KAMRUP, ASSAM

VERSUS

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

Advocate for the Petitioner : MS S S ZIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 24-05-2024

- 1.** Heard learned Senior Counsel Mr. HRA Choudhury for the petitioner and learned Addl. PP Mr. B.B. Gogoi for the respondent State.
- 2.** This is an application under Section 438 of the Code of Criminal Procedure,

1973, praying for grant of pre-arrest bail to the accused/petitioner, namely, Nur Mahammad Ali who is apprehending arrest in connection with Guwahati GRPS P.S. Case No. 95/2024, under Sections 120(B)/342/386 of the Indian Penal Code.

3. The FIR unfolds that on 23.04.2024 the informant Prabhu Sah bought some silver metal from a shop belonging to his friend "Tarafdar Traders" at Lakhtokia for a value of Rs. 30,000/-. He went to the Kamakhya Railway Station at about 12:30 PM to proceed to Howra Kolkata. As he was waiting for Saraighat train at Platform No. 1 and as he was about to board the train, four or five miscreants in police uniform intercepted him and started frisking him. They found a silver metal in his waist belt. They threatened him that he will be taken to jail and he was taken to a corner, where he was demanded Rs 6 lacs by the miscreants. After several requests, the amount was settled at Rs. 4 lacs and the informant had to pay Rs. 4 lacs. He asked his friend Biki Tarafdar for the money to be paid to the miscreants. The money was sent through his friend's employee Bapan Barman and the same was handed to one of the miscreants. After the money was handed over to one of the miscreants, the informant was threatened by the miscreants not to divulge about the incident.

4. It is submitted on behalf of the petitioner that he is serving as a Home Guard under the GRPS at Kamakhya Outpost. He has been falsely implicated in this case out of personal grudge. The petitioner has denied that he demanded Rs. 4 lacs or received the same from the informant. He was on duty at the time of the incident along with his colleagues namely, Rubul Ali, Hrishikesh Baishnab, Naba Kanta Das and Sahjahan Ali. He was not aware of the alleged incident. He later learnt that his colleagues with whom he was on duty at the relevant point of time has been arrested in connection with the case. The petitioner is

apprehending arrest as the police visited his house during his absence.

5. The learned Addl. PP has raised objection stating that there are incriminating materials in the Case Diary against the present petitioner.

6. I have scrutinised the Case Diary. There are CCTV footages available in the railway station. Indeed there are incriminating materials in the Case Diary against the present petitioner. The co-accused have already been arrested and forwarded to custody. At this juncture there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner.

Petition is rejected at this case.

Send back the Case Diary.

JUDGE

Comparing Assistant