

GAHC010090482024



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

Case No. : AB/1180/2024

SHAHANUR ALI
S/O LATE GANI MIYA
R/O VILL- GOROIMARI PATHAR
P.S. AND DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

31.05.2024

Heard Mr. N. J. Dutta, the learned counsel for the petitioner. Also heard Mr. K. K. Parashar, learned Additional Public Prosecutor for the State of Assam.

The applicant, namely, Shahanur Ali has approached this Court by filing the present application under Section 438 of the Cr.P.C., for granting him pre-arrest bail.

Today was fixed for personnel appearance of the Officer-in-Charge of Barpeta Police Station and accordingly, Mr. Kusheswar Nath, Officer-in-Charge of Barpeta Police Station is personally present in terms of this Court order dated 27.05.2024.

Mr. Kusheswar Nath, Officer-in-Charge of Barpeta Police Station has explained that he could not send the report before this Court due to his sudden involvement in investigation of a murder case and accordingly, he seeks for apology for not being able to send the report within time. However, he submits that the petitioner should not have any apprehension of arrest for the reason that though one allegation was received in the Police Station, however, as the same being civil in nature, a Non F.I.R case being Case No. 219/2024 has been registered.

That being the position and specific stand of the Officer-in-Charge of Barpeta Police Station, this Court is of the view that the petitioner should not have any apprehension of arrest.

The apology sought for by the Officer-in-Charge, Barpeta Police Station is accepted and his personnel appearance stands dispense with.

In view of the aforesaid, this Court is of the view that there cannot be any apprehension of arrest. Accordingly, the present bail application stands closed. However, if any occasion arises, the petitioner shall be at liberty to approach this Court once again.

This bail application stands disposed of.

JUDGE

Comparing Assistant