

GAHC010092712024



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

Case No. : AB/1204/2024

AMJAD ALI
S/O JABI SHEIKH, R/O VILL- GERAMARI PART-V, P.S.-GAURIPUR, DIST-
DHUBRI, ASSAM, PIN-783339

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

31.05.2024

Heard Ms. R. R. Bora, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who has been apprehending arrest in connection with Gauripur P.S. Case No. 99/2024, under Sections 120(B)/147/148/353/325/307/34 of the Indian Penal Code corresponding to G.R. Case No.339/2024.

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

It is submitted by the learned counsel for the petitioner, Mr. Ali, that the present petitioner is innocent and he is not at all involved in the alleged offence, however, after obtaining the interim pre-arrest bail, the petitioner appeared before the I.O. and co-operated in the investigation of this case. More so, as he has already co-operated with the I.O. and also considering the nature of offence, his custodial interrogation is not at all necessary in this case and accordingly, it is prayed to make the interim pre-arrest bail order absolute.

In this context, the learned Additional Public Prosecutor, Mr. Das, has submitted that from the Case Diary and the Medical Report, it is seen that the two police personal had sustained minor injuries. He further submitted that the accused/petitioner has already appeared before the I.O. and he co-operated in the investigation of the case and thus, he raised no objection in allowing the accused/petitioner to go on pre-arrest bail.

After hearing the submissions made by the learned counsels of both sides and also considering the entire aspects of the case, nature of allegation as well as the conduct of the accused/petitioner, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioner vide order dated 10.05.2024, is hereby made absolute with a direction to the accused/petitioner to co-operate with the I.O. in further investigation of the case.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant