

GAHC010097842024



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

Case No. : AB/1269/2024

INNUS ALI MAZUMDER
S/O LATE ALA UDDIN MAZUMDER
VILL- KUCHILA
P.O. KUCHILA BAZAR
P.S. AND DIST. HAILAKANDI, ASSAM
PIN-788155

VERSUS

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

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 30-05-2024

Heard Mr. H.R.A. Choudhury, learned Senior Counsel for the petitioner Innus Ali Mazumder.

2. The petitioner has filed this application under Section 438 of the Code of

Criminal Procedure, 1973 with a prayer for pre-arrest bail as he is apprehending arrest in connection with Hailakandi Police Station case No. 92/2024 dated 01.04.2024 registered under Sections 448/307/326/34 of the Indian Penal Code, 1860 (IPC for short) and added Section 302 of the IPC and corresponding to GR Case No. 307/2024.

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State and Mr. A.R. Bhuya, learned counsel for the informant.

4. It is submitted on behalf of the petitioner that at the time of the incident the petitioner was not present. He came to the place of occurrence when he heard his father was injured and he took his father to the hospital. The petitioner is a teacher and he stays separately from his ancestral home about 3 kilometers away. The petitioner being a family member has been roped in connection with this case without any valid ground.

5. The learned counsel for the informant and the Additional Public Prosecutor have raised serious objection. It is submitted by the learned Additional Public Prosecutor that there are incriminating materials in the Case Diary against the petitioner.

6. I have considered the submissions at the bar with circumspection and I have also scrutinized the Case Diary.

7. Indeed there are incriminating materials against the petitioner. The magnitude of the offence is taken into consideration. At this stage, there appears to be no justified ground to extend the privilege of pre-arrest bail to the petitioner.

8. Petition stands rejected at this stage.

9. In the above terms and conditions, this Anticipatory Bail application stands disposed of.
10. Send back the Case Diary.

JUDGE

Comparing Assistant