

GAHC010098452024



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

Case No. : AB/1275/2024

AKHIRUL ISLAM AND ANR.
S/O SHAHER ALI
R/O VILL- PIPULBARI PART- III,
P.S. MANKACHAR
DIST. SOUTH SALMARA MANKACHAR, ASSAM

2: AHAMMAD ALI @ AHMED HUSSAIN
S/O BOKTA ZAMAL @ MOSTOFA SARKAR
R/O VILL- PIPULBARI PART- III

P.S. MANKACHAR
DIST. SOUTH SALMARA MANKACHAR
ASSA

VERSUS

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

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

27.05.2024

Heard Mr. S Newaz, learned counsel for the petitioner. Also heard Mr. KK Parasar, learned Additional Public Prosecutor, Assam.

This is an application under Section 438 Cr.P.C. filed by the petitioners, namely, Akhirul Islam and Ahammad Ali @ Ahmed Hussain seeking pre-arrest bail, who are apprehending their arrest in connection with Mankachar PS case No. 14/2024 under Section 148/448/387/363/511 IPC.

As per the story narrated in the FIR dated 15.01.2024, while the informant was sleeping at his residence, the FIR named accused persons, which includes the petitioners herein forcibly entered the residence of the informant by identifying them as police men of Kalapani Outpost and then demanded Rs. 10 Lakhs in cash pointing gun on his head. It is further alleged that the accused persons tried to kidnap the informant's 6 years son. However, when the villagers came to rescue them, accused persons fled away. However, one accused, Abdul Mannaf was caught red handed and was subsequently handed over to the police.

Perused the case diary produced. Also perused the statement of the complainant, his wife and other villagers and the statement of the arrested accused. There are sufficient incriminating materials against the petitioners in the case diary inasmuch as such material suggests presence of the petitioner in the place of occurrence and their involvement in commission of the offence.

Considering the material on record and also the stage of investigation, this court is of the view that this is not a fit case to grant privilege of pre-arrest bail.

Accordingly, bail application stands dismissed. Case diary be returned back.

JUDGE

Comparing Assistant