

GAHC010104062024



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

Case No. : AB/1360/2024

HAFIZUR @ HAFIZUR RAHMAN AND ANR.
S/O LATE NOSIOD SK., R/O VILL- CHOTO KAZIRGAON, P.S.-SUKCHAR,
DIST-SOUTH SALMARA MANKACHAR (ASSAM)

2: HOSSEN @ HOSSEN ALI
S/O LATE NOSIOD SK.
R/O VILL- CHOTO KAZIRGAON
P.S.-SUKCHAR
DIST-SOUTH SALMARA MANKACHAR (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : M HOSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 18-06-2024

Heard Mr. M. Hossain, learned counsel for the petitioners 1. Hafizur @ Hafizur Rahman and 2. Hossen @ Hossen Ali, who have filed this application

under Section 438 of the Code of Criminal Procedure, 1973 with a prayer for pre-arrest bail as they are apprehending arrest in connection with Sukchar Police Station Case No. 12/2024 under Sections 143/148/341/326/307 of the Indian Penal Code, 1860 (G.R. Case No. 82/2024).

2. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the respondent State. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioners.

3. The learned counsel for the petitioners has submitted that there are no specific allegations against the petitioners in the FIR. The main accused Karimul is suffering from mental ailment. The present accused persons are not involved with the incident.

4. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the present petitioners. The victim has sustained grievous injuries caused by sharp weapons. At this juncture, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioners.

5. Petition stands rejected.

6. In the above terms this Anticipatory Bail application stands disposed of.

7. Send back the Case Diary.

JUDGE

Comparing Assistant