

GAHC010111942024



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

Case No. : AB/1471/2024

MD SAYED AKHTAR
S/O MD. SAHAR ALI, R/O LANKA PATELPATTY, WARD NO. 1, P.S.-LANKA,
DIST-HOJAI, ASSAM, PIN-782426

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : M K BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 18-06-2024

- 1.** Heard Mr. M. K. Borah, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State.
- 2.** This application under Section 438 of the Code of Criminal Procedure, 1973, has been filed by the petitioner, namely, *Md. Sayed Akhtar* who is apprehending his arrest in connection with Lanka Police Station Case No. 170/2024 registered under Section 336 of IPC read with Section 25(1- A) of the

Arms Act, 1959.

3. The gist of accusation in this case is that on 30.05.2024 one suo-moto FIR was registered by the Officer-in-charge of Lanka Police Station alleging that a video clip was received from some unknown sources where a person who was identified as Riaz Hussain was seen displaying a AK-47 Rifle and was seen using threatening language. The said video is stated to have created an atmosphere of terror. It is also stated in the FIR that in the said video two more persons, namely, Sayed Akhtar (present petitioner) and Prem Hafila were also seen.

4. The learned counsel for the petitioner has submitted that the petitioner is in no way connected with the offence alleged in the FIR. He only appeared in the said video because he was accompanying the main accused, namely, Riaz Hussain.

5. On the other hand, learned Additional Public Prosecutor has produced the case diary of Lanka Police Station Case No. 170/2024 and has submitted that till now from the investigation, it appears that no incriminating materials against the present petitioner could be collected by the Investigating Officer and the materials are there against the present petitioner only the accused No. 1, namely, Riaz Hussain. It appears that under the above circumstances, if the petitioner cooperates in the investigation, his custodial detention may not be necessary for fair completion of the investigation of Lanka Police Station Case No. 170/2024.

6. In view of the above, the above named petitioner is directed to appear before the Investigating Officer of Lanka Police Station Case No. 170/2024 within a period of ten days from the date of this order and cooperate in the

investigation. If he does so, with the stipulated period of time in the event of his arrest, in connection with Lanka Police Station Case No. 170/2024, the above named petitioner shall be allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) with one surety of like amount subject of the satisfaction of the arresting authority with following conditions:-

- i. That the petitioner shall cooperate in the investigation and shall appear before the Investigating Officer;
- ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer.

7. With the above observation, this anticipatory bail application is disposed of.

8. Send back the case diary.

JUDGE

Comparing Assistant