

GAHC010120022024



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

Case No. : AB/1552/2024

ABUL KALAM
S/O SALEMUDDIN
R/O PAGHAL, MUWAMARI
P.S. SAMAGURI
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

17.07.2024

Heard Mr. S. M. Abdullah P., learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail the accused/petitioner, who is apprehending arrest in connection with Samaguri Police Station Case No. 165/2024, under Section 120(B) of IPC *read with* Section 25 (1) (a) of the Arms Act.

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

The learned counsel for the petitioner, Mr. Abdullah P., submits that the petitioner is not involved in the alleged offence. The police are seeking him and contacting him by telephone solely because he is a friend of the main accused, namely Safiruddin, who was arrested in connection with the case. Accordingly, he argues that there is an apprehension of arrest, and therefore, he has filed the present anticipatory bail application seeking interim pre-arrest bail.

On the other hand, Mr. Parasar, learned Additional Public Prosecutor, submitted that the Case Diary reveals a dispute between the main accused and his son. The son informed the police about his father's possession of arms, leading to the filing of an FIR by the police officer. However, there is no mention whatsoever of the involvement of the accused/petitioner, nor is there any indication in the IO's notes that there is an apprehension of arrest of the present petitioner in connection with this case. Accordingly, he submits that this

is not a fit case to grant the privilege of pre-arrest bail to the accused/petitioner at this stage.

Considering the submissions of learned counsels for both sides and also considering the materials available in the case diary, it is seen that there is no ground for apprehension of arrest of the accused/petitioner in connection with this case, and accordingly, I do not find any ground to pass any order on interim pre-arrest bail.

With above observation, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant