

GAHC010120462024



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

Case : AB/1639/2024

SHAJHAN ALI @ SHAHJAHAN ALI
S/O AKBOR ALI
VILL- KADAMTALA PT-II
P.O. AND P.S.-BILASIPARA
DIST- DHUBRI
ASSAM
PIN-783348

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. M HUSSAIN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 20.11. 2024

Heard the learned counsel Mr. R. I. Mondal for the petitioner, Shajahan Ali @ Shahjahan Ali who has filed this bail application under 438 Cr.P.C. with a prayer for pre- arrest bail, as he is apprehending arrest in connection with

Bilasipara P.S. Case No. 144/2024 under Sections 143/ 225/ 224/ 333/ 353 IPC.

Heard Ms. N. Das, learned Addl. Public Prosecutor, Assam, appearing for the State respondent.

It is submitted on behalf of the petitioner that on 10.06.2024, at about 11.00 a.m., the petitioner went to the Circle Officer's office, as notice was issued against him by the Circle Officer in connection with a land dispute. Annexure 3 is the notice of the Circle Office.

In compliance of the notice issued to the petitioner, the petitioner went to the Circle Officer's office on 10.06.2024. At that time, the Police learnt that the petitioner was in Circle Officer's office and the police proceeded to apprehend the petitioner in connection with Bilasipara P.S. Case No. 122/2024 under Sections 120B/ 420/ 384/ 387 IPC. When the police was about to apprehend the petitioner, some miscreants attacked the police team and then petitioner tried to escape.

It is submitted on behalf of the petitioner that that during this scuffle, the police as well as the petitioner sustained injuries. The petitioner did not attack the police, but he was taken to the hospital by the police personnel as the petitioner sustained injuries. It is submitted that Annexure-5 is the certificate, which clearly reveals that the petitioner was taken to hospital by the police. It is hereby submitted that the petitioner did not try to escape.

The learned Addl. Public Prosecutor has raised objection against the prayer of pre-arrest bail stating that there are incriminating materials against the petitioner.

The case diary is received and perused.

I have scrutinized the case diary. Investigation has substantially

progressed and custodial interrogation may not be required.

I have considered the submissions at the bar. The petitioner has appeared before the I.O and has abided by all the terms and conditions of the interim pre-arrest bail.

In the wake of the foregoing discussions, interim order dated 26.06.2024 is hereby made absolute under the same terms and conditions contained in the interim order.

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

Return the case diary.

JUDGE

Comparing Assistant