

GAHC010127402024



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

Case No. : AB/1651/2024

SONUDDIN SK
S/O LATE MONSER ALI, R/O VILL- NO. 2 KADAMGURI, GOSSAIGAON, P.S.-
GOSSAIGAON, DIST- KOKRAJHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 17-07-2024

Heard Mr. A. Ahmed, learned counsel for the petitioner, Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State and Ms. R.R. Bora, learned counsel for the informant.

2. The petitioner Sonuddin Sk. has filed this application under Section 438 of the Code of Criminal Procedure, 1973 with prayer for pre-arrest bail as he is

apprehending arrest in connection with Gossaigaon Police Station Case No. 84/2024 under Sections 302/24 Indian Penal Code, 1860.

3. It is submitted on behalf of the petitioner that he is 78 (Seventy Eight) years old and it is not plausible that he will be able to commit murder of the deceased victim who succumbed to injuries in connection with this case.

4. The allegation against the petitioner is that he along with the co-accused named in the FIR assaulted the deceased victim Nur Hussain and eliminated him.

5. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner. The learned counsel for the informant has also raised objection stating that the petitioner is complicit.

6. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. At this juncture there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner.

7. Petition is rejected.

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

9. Send back the Case Diary.

JUDGE

Comparing Assistant