

GAHC010127792024



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

**Case No. : AB/1654/2024**

ATOWAR RAHMAN AND 4 ORS.  
S/O ABADULLAH SK, R/O VILL- BOWALIMARI PART-II, P.S.-JOGIGHOPA,  
DIST- BONGAIGAON, ASSAM

2: KAINSA SK  
S/O ABADULLAH SK  
R/O VILL- BOWALIMARI PART-II  
P.S.-JOGIGHOPA  
DIST- BONGAIGAON  
ASSAM

3: DELSAD ALI @ DOLAI  
S/O SUKKUR ALI  
R/O VILL- BOWALIMARI PART-II  
P.S.-JOGIGHOPA  
DIST- BONGAIGAON  
ASSAM

4: ASAD ALI  
S/O SUKKUR ALI  
R/O VILL- BOWALIMARI PART-II  
P.S.-JOGIGHOPA  
DIST- BONGAIGAON  
ASSAM

5: SURUT JAMAL  
S/O AJIMUDDIN  
R/O VILL- BOWALIMARI PART-II  
P.S.-JOGIGHOPA  
DIST- BONGAIGAON  
ASSA

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. A M KHAN

**Advocate for the Respondent** : PP, ASSAM

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

**19.07.2024**

Heard Mr. A. M. Khan, learned counsel for the petitioners. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

This application is filed under Section 438 of the Code of Criminal Procedure, 1973, praying for granting pre-arrest bail to the accused/petitioners in connection with Jogighopa P.S. Case No.97/2024 under Sections 143/147/353/307/34 of IPC *read with* Section 25 (1 AB) of the Arms Act, 1959 *read with* Section 3 of the Prevention of Damage to Police Property Act, 1984.

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

It is submitted by the learned counsel for the petitioners, Mr. Khan that present petitioners are innocent and their names have been falsely implicated in this case. The actual fact of the case is that; on the day of the incident, the police personnel along with the informant took advantage of their positions to operate a syndicate for collecting black money under the guise of fines related

to traffic violations (M.V. Act fines for not wearing helmets and other reasons). This allegedly led to a significant public gathering, during which some individuals recorded the incident on their mobile phones and demanded receipts for the money collected. After knowing the same, informant lodged the FIR against the petitioners with some false and concocted allegation. He further submits that the present petitioners are the permanent resident of the addresses locality and they are ready and willing to co-operate the I.O in further investigation of the case, if, they are granted with the privilege of pre-arrest bail.

In this context, Mr. Sharma, learned Additional Public Prosecutor submits that from the statement made in the FIR as well as from the Case Diary, it is seen that the police personal were conducting Naka checking duty, while, the accused/petitioners, restricted the public around 100 meters ahead of Naka point, stating that the police team was checking the vehicles and this led to traffic jam and accordingly, the general public started assaulting the police personal. He further submitted that there are other culprits who are yet to be booked in connection with this case and granting pre-arrest bail to the accused/petitioners in a crime of this nature would send the wrong message to society. He also submits that denying pre-arrest bail would serve as a deterrent and uphold the seriousness of the alleged offense, possibly emphasizing public safety and law enforcement concerns.

After hearing the submission made by the learned Advocates of both sides as well as perusing the case diary, it is seen that the accused/petitioners are involved in the alleged offence and thus, I find that further custodial interrogation accused/applicant is necessary to unearth some more facts of the case and accordingly, I am of the view that this is not a fit case, where, the

privilege of pre-arrest bail can be granted to the accused/petitioners at this stage and accordingly, the same stands rejected.

In view of above, this Anticipatory Bail application stands disposed of.

Case Diary be returned.

**JUDGE**

**Comparing Assistant**