

GAHC010134532024



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

Case No. : AB/1730/2024

HOBİ SK @ HABİBAR RAHMAN
S/O LATE MOHORUDDIN, R/O VILL- KACHUARKHASH PART-II, P.O.-
DHARMASALA, P.S. AND DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A RAHMAN,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 18-09-2024

Heard Mr. A. Rahman, learned counsel for the petitioner and Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State.

2. The petitioner Hobi Sk. @ Habibar Rahman 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 Dhubri Police Station Case

No. 156/2024 under Sections 120-B/294/420/406/506/34 of the Indian Penal Code, 1860.

3. It is submitted by the learned counsel for the petitioner that the petitioner is the owner and possessor of the land which was acquisitioned by the Government. He further submits that the petitioner has received the compensation amount, awarded by the Government. He has further submitted that the adjacent land belonged to the informant and he also received the compensation amount and his land was acquisitioned in 2016. The present petitioner is harassing by the complainant by alleging false and concocted allegations. However, he will cooperate with the investigation, if the privilege of pre- arrest bail is granted to him

4. I have perused the Case Diary. The petitioner has appeared before the Investigating Officer and his statement has been recorded. I have considered the submissions at the bar with circumspection that the petitioner has cooperated with the investigation and he has not violated any bail conditions. The petitioner is willing to cooperate with the remaining part of investigation and to abide by any stringent bail conditions if imposed upon him.

5. Considering all aspects, interim bail order dated 15.07.2024 passed by a Coordinate Bench of this Court is hereby made absolute under the same terms and conditions.

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

7. Send back the Case Diary.

JUDGE

Comparing Assistant