

GAHC010144132024



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

Case No. : AB/1880/2024

BABUL ALI
S/O TAHIBUDDEN ALI, R/O VILL- KAKARBARI, P.S.-BOKO, P.O.-
DURAPARA, PIN-781123, DIST- KAMRUP (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS S S ZIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

24.07.2024

1. Heard learned counsel Ms. S. S. Zia for the petitioner Babul Ali.
2. This application has been filed by the petitioner under Section 482 of the BNSS, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with PRC No. 1320/2024 under Sections 120(B)/342/386 of the IPC

pending before the learned Court of JMFC, Kamrup (M) arising out of GR P.S. Case No. 95/2024.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. It is submitted that Charge-sheet has been laid against the petitioner showing him as absconder. NBWA has been issued against the petitioner and the petitioner is apprehending arrest. He is willing to co-operate with the trial and so he has appeared before this Court for pre-arrest bail.

5. The petitioner is a Home Guard who was involved in frisking a person who was caught red-handed with a silver metal. The Police personnel then intercepted the person carrying silver and demanded gratification from him. There was CCTV footage relating to this offence. Charge-sheet has been laid under Sections 120(B)/342/386 of the IPC.

6. I have taken a pragmatic view. The petitioner is willing to co-operate with the trial.

7. This case is based on a recent incident.

8. The petitioner is directed to approach the Jurisdictional court and apply for bail within 14 days from today, which may be considered by the Court in accordance with law.

9. Till then, no coercive action be taken.

10. In terms of the above observations, petition stands disposed of.

JUDGE

Comparing Assistant