

GAHC010150102024



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

Case No. : AB/1949/2024

ZAHANGIR ALOM
S/O LATE ABDUS SALAM SARKAR,
VILLAGE NILOKHIA PART I, PS SUKCHAR, DIST DHUBRI, ASSAM 783128

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP ASSAM

2:ARUNAVO CHAKRABORTY
S/O LATE MUNISH CH. CHAKRABORTY

RESIDENT OF WARD NO. 16
R.K MISSION ROAD
DHUBRI TOWN
DHUBRI
ASSAM 78330

Advocate for the Petitioner : MR. SURAJIT DAS, SAMIM RAHMAN,MR. J ABBAS,MR S A BARBHUYAN,MR A W AMAN,MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM, U U KHAN(R-2)

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

08.08.2024

Heard the learned counsel, Mr S Das, for the petitioner, Zahangir Alom, who has filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest

bail, as he is apprehending arrest in connection with Dhubri PS Case No. 163/2024, corresponding to GR Case registered under Sections 341/506 of the Indian Penal Code, 1860, read with Sections 10/12/21 of the POCSO Act, 2012.

2. Heard learned Additional Public Prosecutor, Mr B B Gogoi, for the State respondent and Mr U U Khan, learned counsel for the respondent No. 2.

3. The allegation against the petitioner is that he has committed sexual assault on the victim.

4. It is submitted on behalf of the petitioner that a false case has been slammed against the petitioner as the petitioner raised objection that the victim was chewing gutkha inside the class and spitting on the corridor walls.

5. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner.

6. I have scrutinized the Case Diary.

7. Indeed there are incriminating materials in the Case Diary against the petitioner.

8. It appears that investigation may be adversely affected if the petitioner is admitted to bail.

9. Considering all aspects, at this juncture, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner. Hence, petition is rejected at this stage.

10. Send back the Case Diary.

JUDGE

Comparing Assistant