

GAHC010153862024



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

Case No. : AB/2019/2024

SAHAR ALI
S/O ABUL KASHEM, R/O KAIMBHASHANI PART-I, P.S.-DHUBRI, DIST-
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. I U CHOWDHURY
Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.08.2024

Heard Mr. HRA Choudhury, the learned senior counsel assisted by Ms. H. Ahmed, learned counsel appearing for the petitioner. Also heard Mr. K.K. Parasar, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of the BNSS, 2023 in respect of Dhubri P.S. Case No.124/2024, under Sections 143/448/380/436/295/506/427 of

the Indian Penal Code.

3. It is alleged in the FIR that on 14.03.2024, the present petitioner along with some other persons had destroyed his house and also caused damage to the Kali Temple nearby. It is further alleged that the petitioner and his associates had taken away an amount of ₹24,000/- and 50 kg. of rice from his house.

4. It has been submitted that the petitioner stays at the place of occurrence which is about 3 kms. away from the place of occurrence. Moreover, the petitioner has claimed that the informant of this case resides at Guwahati. He got the information about the aforesaid facts and implicated the present petitioner and some other persons in the FIR.

5. I have heard Mr. Parasar in respect of the case diary.

6. The case diary does not have sufficient incriminating materials against the present petitioner to justify his custodial detention. Therefore, his pre-arrest bail application is allowed.

7. It is hereby directed that in the event of arrest in connection with Dhubri P.S. Case No.124/2024, under Sections 143/448/380/436/295/506/427 of the Indian Penal Code, the petitioner Sahar Ali shall be released on bail of ₹20,000/- with a surety of like amount to the satisfaction of the arresting authority. The petitioner is directed to co-operate with police investigating officer as and when required.

The application for bail is disposed of accordingly.

Case diary shall be returned.

JUDGE

Comparing Assistant