

GAHC010159862024



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

Case No. : AB/2102/2024

FAZUL KARIM @ FAZRUL KARIM
S/O LATE FARSAD ALI
R/O VILL- NO. 1 GHORASAL
P.O. BYASPARA, P.S. SIPAJHAR
DIST. DARRANG, ASSAM
PIN-784145

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : M HOSSAIN, MR J HUSSAIN, MD A WADUD

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

12.08.2024

Heard Mr. M. Hussain, the 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 BNSS praying for pre-arrest bail in respect of

Sipajhar P.S. Case No.115/2024, under Sections 189(2)/132/117(2)/109/76/262 of the BNS.

3. On the date of occurrence, police went to the place of occurrence to arrest a person named Atikul Islam in a case under the provisions of POCSO Act. When police reached the place of occurrence, 14/15 persons attacked the police party. The present petitioner was one of them. The mob caused physical harm to the police personnel.

4. I have considered the submissions made by the learned counsel of both sides.

5. The provisions of law relating to anticipatory bail is not meant to be used under the given circumstances of the case. The petitioner along with some other persons attacked a police force who were on their lawful duty. Such person does not deserve to be bestowed with the privilege of pre-arrest bail. Therefore, the present bail application is not found to be satisfactory and stands dismissed.

The application for bail is disposed of accordingly.

JUDGE

Comparing Assistant