

GAHC010160712024



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

**Case No. : AB/2122/2024**

ATOWAR RAHMAN AND 3 ORS  
S/O ABADULLAH SK.  
R/O VILL- BOWALIMARI PART-II  
P.S. JOGIGHOPA  
DIST. BONGAIGAON, ASSAM

2: KAINSA SK  
S/O ABADULLAH SK.  
R/O VILL- BOWALIMARI PART-II  
P.S. JOGIGHOPA  
DIST. BONGAIGAON  
ASSAM

3: DELSAD ALI ALIAS DOLAI  
S/O SUKKUR ALI  
R/O VILL- BOWALIMARI PART-II  
P.S. JOGIGHOPA  
DIST. BONGAIGAON  
ASSAM

4: SURUT JAMAL  
S/O AJIMUDDIN  
R/O VILL- BOWALIMARI PART-II  
P.S. JOGIGHOPA  
DIST. BONGAIGAON  
ASSA

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, GOVT. OF ASSAM

**Advocate for the Petitioner** : MR. A M KHAN, MR. N UDDIN, MS. A AKHTAR, MR S K CHHETRY, MR T T MONI

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE  
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 18.09.2024**

Heard Mr. N. Uddin, learned counsel for the petitioners. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for grant of pre-arrest bail to the accused/petitioner, who has been apprehending arrest in connection with Jogighopa P.S. Case No. 97/2024, under Sections 143/147/353/307/34 of the Indian Penal Code *read with* Section 25(1 AB) of the Arms Act, 1959 *read with* Section 3 of Prevention of Damage to Police Property Act, 1984.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Uddin, learned counsel for the petitioners, that the present petitioners are innocent and they are no way involved in the alleged offence. It is a fact that on the day of incident, there was a dispute/altercation between the general public and the police personnel as the police personnel were collecting fine for violation of some traffic rules and did not issue any

receipt for the same. But the present petitioner has no vehicle and hence, he is not affected anyway with the collection of fine by the police personnel. But, as the petitioner is the resident near to the place of occurrence, his name could be identified by the police and his name has been mentioned in the F.I.R. as one of the accused. Mr. Uddin further submitted that the photograph/video was also taken by some of the local person, but prior to filing of any case by the local people, the police lodge the F.I.R. only to save their skin. However, the accused/petitioner is ready and willing to co-operate the I.O. in further investigation of this case and will also help the police official to identify the person who are the main culprit in this case.

Mr. Das, learned Additional Public Prosecutor, has submitted in this regard that the earlier anticipatory bail application of the present petitioners was rejected by this Court vide order dated 19.07.2024 in AB No. 1654/2024 after perusal of the Case Diary. There is no new or urgent ground brought in this petition to consider their pre-arrest bail prayer which was earlier rejected by this Court. More so, there are sufficient incriminating materials against the present accused/petitioners in the Case Diary who not only involved in deterring the police personnel from doing their duties, but also snatched the service pistol of the police personnel and accordingly he raised vehement objection in granting pre-arrest bail to the present accused/petitioners.

After hearing the submissions made by the learned counsels for both sides, I have also perused the case record and the Case Diary and it is seen that the earlier anticipatory bail application of the present petitioner was rejected after perusal of the Case Diary and also considering all the materials available in

the Case Diary. Further it is seen that there is no new ground in the present petition to consider the pre-arrest bail prayer of the present petitioners which was earlier rejected on the same ground. It is also seen from the F.I.R. as well as from the materials available in the Case Diary that the present accused/petitioners name are specifically mentioned who not only deter the police personnel to do their duty of Naka Checking of the vehicle/collecting fines etc. but also snatched the service pistol of the police personnel. Thus, considering the nature of offence alleged against the present accused/petitioner, I do not find it a fit case to consider the pre-arrest bail prayer of the present petitioners which was earlier rejected on the same ground. Accordingly, the present anticipatory bail application stands rejected.

In terms of above, this anticipatory bail application stands disposed of.

**JUDGE**

**Comparing Assistant**