

GAHC010170322024



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

Case No. : AB/2220/2024

REZABUL HOQUE @ REZABUL ALI
S/O LATE RUPCHAN ALI
R/O VILL- BAMUNDANGA PT.II, P.S. LAKHIPUR, DIST. GOALPARA, ASSAM
PIN NO. 783129

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A U CHOUDHURY, MS. A KAUSHAR, MR S ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 21.10. 2024

1. Heard Mr. S. Islam, learned counsel for the petitioner, Rezabul Hoque @ Rezabul Ali, who has filed this anticipatory bail application under Section 482 of

BNSS, 2023, for granting pre-arrest bail, apprehending arrest in connection with Lakhipur P. S. Case No. 141/2024 under Sections 380/34 IPC.

2. Also heard Mr. B. Sarma , learned Addl. Public Prosecutor for the State respondent.

3. The case diary as called for is received and perused.

4. The allegation made against the petitioner is that the petitioner has trespassed into the premises of the informant's house and committed theft of articles worth Rs. 28,700/- by breaking the box of table and caused injury on the informant's wife at the time of the alleged offence.

5. The learned Addl. P.P. has raised serious objection against the prayer of bail and has submitted that indeed there are sufficient incriminating materials against the petitioner and he is a habitual offender and as such he is not entitled to bail.

6. I have perused the case diary and considered the submissions at the bar with circumspection.

7. It is submitted on behalf of the petitioner that the petitioner will abide by any condition imposed upon him and the petitioner shall abide by the said stringent condition.

8. I have scrutinized the case diary. Indeed there are incriminating materials against the petitioner, but I deem it proper to impose certain conditions to release the petitioner on pre-arrest bail. Accordingly, petition is allowed.

9. In view of the above and considering the entire aspect of the matter, the petitioner is enlarged on pre-arrest bail on furnishing a bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions that:-

- (i) the petitioner shall appear before the I.O. within 10 (ten) days from today;
- (ii) the petitioner shall refrain from such activities with which he is alleged;
- (iii) the petitioner shall appear before the I.O. on every fortnight till completion of investigation;
- (iv) the petitioner shall not hamper the investigation or tamper with the evidence of the case; and
- (v) the petitioner shall not leave the jurisdiction of the court without prior permission.

10. On breach of any of the bail conditions, pre-arrest bail order shall stand automatically cancelled.

11. The bail application is disposed of.
12. Send back the case diary.

JUDGE

Comparing Assistant