

GAHC010172902024



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

Case No. : AB/2238/2024

HASIM ALI @ HACHIM ALI
S/O CHAMSER ALI, R/O VILL- KALJAR, P.O.-BARAMA, P.S.-BARMA, DIST-
BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR B M DEKA,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

05.09.2024

1. Heard learned counsel Mr. B. M. Deka for the petitioner Hasim Ali @ Hachim Ali.
2. The petitioner 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 Mushalpur P. S. Case No. 45/2024 registered as PRC Case NBO. 392/2024 under Sections 457/380 and later added Sections of 401/411/413 of the IPC.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. I have scrutinized the scanned copies of the Trial Court Records. I have considered the submissions at the Bar.

5. It is submitted that the petitioner had earlier received notice under Section 41(A) of the Cr.PC, and he has appeared before the Investigating officer and has co-operated with the investigation, and then released. Thereafter, Charge-sheet was laid against the petitioner. Earlier, the petitioner was not booked under Sections 401/411/413 of the IPC but Charge-sheet has been laid under the aforesaid sections. After Charge-sheet has been laid, summons's were issued against the petitioner, and the petitioner is apprehending that he would be forwarded to custody. The petitioner has drawn sufficient ground to be granted interim bail. He has co-operated with the investigation earlier and then he was not arrested and he was released. He is willing to co-operate with the trial. I have taken a pragmatic view.

6. Considering all aspects, petition is allowed. Meanwhile, in the event of his arrest, the petitioner shall be enlarged on bail of Rs.30,000/- (Rupees Thirty

Thousand) with a suitable surety of like amount to the satisfaction of the learned CJM, Baksa.

JUDGE

Comparing Assistant