

GAHC010181752024



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

Case No. : AB/2361/2024

HOBIBUR RAHMAN
S/O ARAMAN ALI
VILL- KALAKHOWA NO. 1, KALAKHOWA
P.S. LALUK
DIST. LAKHIMPUR, ASSAM
PIN-787031

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MS. S G BARUAH, MR. B BORGOHAIN, MR B SAIKIA, MR. S NEOG

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

28/10/2024

Heard Ms. S G Baruah, learned counsel for the petitioner and Mr. K Baishay, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Hobibur Rahman**, son of Araman Ali, resident of Village-Kalakhowa

No. 1, Kalakhowa, P.S. Laluk, District-Lakhimpur, has filed this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail apprehending his arrest in **Laluk P.S. Case No. 121/2024** registered under Sections 112/61(2)/316(4)/316(2) of Bhrratiya Nyaya Sanhita, 2023 corresponding to G.R. No. 563/2024.

3. As per the FIR of the case dated 04.08.2024 lodged by one Sub-Inspector of Laluk Police Station that on receipt of a special information they could come to know that the petitioner was carrying an alleged business of selling fake gold and thereby cheated many such customers, said specific information of keeping fake gold in his house, a G.D. Entry No. 100 dated 03.08.2024 was made in said Laluk Police Station. Thereafter, with due authorization, police personnel of Laluk Police Station went to the house of the petitioner, wherein he was found absent. While his house was searched following the due procedure, boat made allegedly of gold metal was recovered from his house which was accordingly seized. Thereafter, Laluk P.S. Case No. 121/2024 under Sections 112/61(2)/316(4)/316(2) of Bhrratiya Nyaya Sanhita, 2023 was registered against the petitioner.

4. From the case diary, Mr. Baishya, learned Additional Public Prosecutor, Assam submitted that it does not contain any such statement of the acquainted witnesses as recorded by the I.O. of the case excepting the seizure witnesses that the petitioner was involved in the alleged business of selling fake gold nor police received any such complaint from the purchasers of such artifact from the petitioner that it was made of fake gold.

5. Considering the above, the Court is of the view that custodial detention of the petitioner, namely, Hobibur Rahman is not warranted to investigate the said Laluk P.S. Case No. 121/2024. As such, this pre-arrest bail application of the petitioner is accepted.

6. Accordingly, in the event of arrest of the petitioner, namely, **Hobibur Rahman**, in said **Laluk P.S. Case No. 121/2024** registered under Sections 112/61(2)/316(4)/316(2) of Bhrratiya Nyaya Sanhita, 2023, he shall be released on bail on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount, to the satisfaction of the arresting authority, subject to the conditions that the petitioner - **(i)** shall appear before the concerned Investigating Officer of said **Laluk P.S. Case No. 121/2024 on or before 05.11.2024** and thereafter, as and when he is required for necessary investigation of the case; **(ii)** shall not leave the territorial jurisdiction of said Laluk Police Station, without obtaining prior written permission from the concerned I/O of the case; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case and **(iv)** shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

7. Any violation of any of the aforesaid terms and conditions by the petitioner, **Hobibur Rahman**, pre-arrest bail granted to him in said **Laluk P.S. Case No. 121/2024** shall stand automatically vacated.

8. Accordingly, this pre-arrest bail application stands allowed to the extent above.

JUDGE

Comparing Assistant