

GAHC010182372024



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

Case No. : AB/2407/2024

HABIZUR RAHMAN
S/O HAREJ ALI, VILL- ANDHURJHAR PT-II, P.O.-HAKAMA, P.S.-
BILASIPARA, DIST-DHUBRI, ASSAM, PIN-783348

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN, MR A.K. MOLLAH, MR. R I MONDAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25.11.2024

Heard the learned counsel Mr. R.I. Mondal for the petitioner, Habizur Rahman, who has filed this bail application under 482 BNSS, 2023 with a prayer for pre- arrest bail as he is apprehending arrest in connection with Chapar P.S. Case No. 124/2024 under Sections 305(b)/112(2)(b) of BNS, 2023.

Heard Mr. K. Baishya, learned Addl. Public Prosecutor, Assam, appearing

for the State respondent.

The learned Addl. PP has raised objection against the prayer of pre-arrest bail.

It is submitted on behalf of the petitioner that the motor cycle has already been seized in connection with this case from the possession of the other two accused persons namely Habizur Islam and Amir Hamza.

I have considered the submission that the petitioner is willing to co-operate with the investigation. The petitioner is a local resident and not a flight risk.

The case diary is received and perused.

I have considered the submissions of the learned counsel for the parties at the bar with circumspection.

I have scrutinized the case diary. Investigation has substantially progressed.

Considering the entire aspect of the matter and in view of my foregoing discussions, in the event of arrest of the petitioner named above in connection with this case, he may be enlarged on pre-arrest bail of Rs. 50,000/- with one surety of the like amount to the satisfaction of the arresting authority.

The pre-arrest bail is however subject to the following conditions that:-

- (i) the petitioner shall appear before the I.O. within 1 (one) week 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 territorial jurisdiction of the Elaka Magistrate, without prior written permission from him/ her.

On breach of any of the bail conditions, bail granted to the petitioner shall automatically stand cancelled.

Bail application is disposed of.

Send back the case diary.

JUDGE

Comparing Assistant