

GAHC010183812024



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

Case No. : AB/2392/2024

MAZIBAR RAHMAN AND ANR
S/O SAFAR UDDIN SK.
R/OVILL- BHELAKOBA, P.O. KACHARIHAT, P.S. AND DIST. DHUBRI, ASSAM

2: SAFIOR RAHMAN
S/O SOLEMAN ALI
R/O VILL- KISMAT HASDAHA PART-I
P.O.KACHARIHAT
P.S. AND DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER, MR. A ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

19.09.2024

Heard Mr. L.R. Mazumdar, learned counsel for the petitioner Nos. 1 Mazibar Rahman and 2. Saifor Rahman, who have filed this application under Section

482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as they are apprehending arrest in connection with Dhubri Police Station Case No. 297/2024 under Sections 61(2)(a)/318/316(2) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioners is that a lottery was supposed to be held on 18.08.2024 under the Kacharihat Development Society (NGO) and the committee of the said society collected huge amount of money from the innocent villagers and cheated them without holding the lottery game.

4. It is submitted on behalf of the petitioners that Annexure-3 of the petition clearly reveals that the enquiry report of the S.I.(P) Ahib Raza, Soulmara PP, reflects that lucky draw was debarred from being held while the committee was allowed to organize the cultural program.

5. I have scrutinized the Case Diary.

6. Learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the Case Diary against the petitioners.

7. The merits of the case are not brought to the fore as investigation is still under progress. It appears that pre- arrest bail may be granted to the petitioners.

8. Considering all aspects, petition is allowed.

9. In the event of their arrests, the petitioners are enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:-

(i) The petitioners shall appear before the Investigating Officer within one week

and cooperate with the investigation.

(ii) The petitioners shall refrain from such activities with which they are alleged.

(iii) The petitioners shall appear before the Investigating Officer on every fortnight till completion of investigation.

(iv) The petitioners shall not leave the jurisdiction of the Court without prior permission.

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

11. In terms of the above observation, this Anticipatory Bail application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant