

GAHC010202882024



2024:GAU-AS:10507

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

Case No. : AB/2602/2024

BIRAJ BORO
S/O GYANANDA BORO
R/O VILL- SARU MANILGPUR
P.S. MUSHALPUR
DIST. BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : H CHOUDHURY, MR. D THAOSEN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

28.10.2024

Heard learned counsel, Mr M D K Ahmed, appearing on behalf of Mr H Choudhury, learned counsel for the petitioner, Biraj Boro, who 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 PS Case No. 90/2024, under Sections 336(3)/340(2)/341(4) of the BNS, 2023.

2. Heard learned Additional Public Prosecutor, Mr K K Das, for the respondent/State.
3. It is submitted on behalf of the petitioner that the name of the petitioner is not mentioned in the FIR. Moreover, the phone number of the alleged WhatsApp message circulated is not mentioned in the FIR. Thus, the petitioner is entitled to bail
4. Learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner, indicating that the petitioner is complicit in committing the offence of forgery.
5. The FIR unfolds that a fake document was circulated along with fake official pad of the MLA of Chepaguri LAC, Mr U G Brahma, with fake pad, photographs and signatures of the MLA.
6. I have scrutinized the Case Diary.
7. Indeed there are incriminating materials in the Case Diary against the petitioner.
8. I have considered the nature of the offence alleged.
9. At this juncture, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner.
10. Petition with prayer for anticipatory bail stands rejected at this stage.
11. Send back the Case Diary.

JUDGE

Comparing Assistant