

GAHC010211632024



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

Case No. : Bail Appln./3100/2024

RASHID AHMED
S/O AKLASUR RAHMAN, R/O MOUZKARNI, P.S.-KARIMGANJ, DIST-
KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. I U CHOWDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 25.10.2024

Heard Mr.HRA Choudhury, learned Senior Counsel assisted by Mr. IU Choudhury, learned counsel appearing for the petitioner and Mr. R.J. Baruah, learned Additional Public Prosecutor appearing for the state of Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for granting bail to the petitioner, Rashid Ahmed, after he was arrested in connection with Badarpur P.S. Case No.248 /2024 under Sections 271/272/316(2)/318(3)/340(2) of the BNSS, 2023.

3. Mr. Baruah has submitted that the case diary has not been received.
4. Therefore, Mr. Baruah has prayed for some time. Mr. Baruah submits that without perusal of the case diary the present bail application need not be considered.
5. I have considered the submissions made by the learned counsels of both sides in the light of the materials available in the record.
6. This Court is of the opinion that the bail application of the petitioner deserves to be considered without perusal of the case diary.
7. A Student Organization lodged an FIR before police alleging that the present petitioner pretending to be a dentist was practicing at Badarpur and on 13.09.2024, a patient, namely, Afzal Hussain @ Kabir Uddin aged about 10 years was treated by the present petitioner and after that, the child became seriously ill.
8. Mr. Choudhury submits that the petitioner is the owner of the clinic, where doctor Abhinandan practices as a dentist. Doctor Abhinandan is recognized by Assam State Dental Council. To that effect, a certificate has been annexed with the record.
9. The petitioner has the necessary trade licence for running the clinic.
10. The learned counsel for the petitioner submits that the Student Organization demanded a donation of Rs. 20,000/-. When he refused to pay the said amount, the present FIR has been falsely filed against the petitioner only to harass him.
11. I have considered the submissions made by the learned counsels of both sides.
12. The petitioner has already spent 35 days in judicial custody.
13. This Court is of the opinion that under the facts and circumstances of the case, the petitioner does not deserve to be detained in custody for any further period of time. Therefore, his bail application is allowed.
14. It is hereby directed that the petitioner, Rashid Ahmed, who was arrested in connection with Badarpur P.S. Case No.248 /2024 shall be released on bail of Rs. 20,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Karimganj.
15. This bail application stands disposed of accordingly.

JUDGE

Comparing Assistant