

GAHC010212882024



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

Case No. : AB/2772/2024

AFZAL ALI @ ABJAL SK
S/O ABDUL KALAM, VILL- KHAMAR, P.S.-BAGRIBARI, DIST- KOKRAJHAR,
ASSAM, PIN-783349

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M U MAHMUD, MS. D BORA, MR S H MAHMUD, MRS. M SAIKIA

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

06/11/2024

Heard Mr. M U Mahmud, learned counsel for the petitioner and Mr. K K Das, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Afzal Ali @ Abjal Sk**, son of Abdul Kalam, resident of Village-Khamar, P.S. Bagribari, District-Kokrajhar, has filed this application under Section 482 of Bharatiya

Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail apprehending his arrest in **Bagribari P.S. Case No. 44/2024** registered under Sections 186/189/323/336/332/353/379/382/506/34 IPC read with Sections 179/184 of Motor Vehicle Act, 1988 corresponding to G.R. No. 213/2024.

3. As per the FIR dated 14.05.2024 lodged by the Deputy Ranger and In-charge of Protection Squad Range, Suparighat, the case is that on 14.05.2024 while conducting routine patrolling duty around 2:30 PM, he along with his patrolling party came across one Bolero Pick Up vehicle bearing registration No. AS-17-C-4067 carrying sand, being suspicious that the said vehicle might be transporting minor minerals without valid documents, though signaled the said vehicle to stop, but it did not stop and rather drove away in an uncontrolled manner trying to hit the Forest Department vehicle. The said vehicle being followed by the forest personnel and found that the said Bolero Pick Up vehicle had entered into the house of one Abdul Kalam, son of Saribuddin, resident of Khamar, Police Station-Bagribari, District-Kokrajhar. When the forest personnel entered into the premise of said Abdul Kalam and asked for the documents of carrying such sand by the said vehicle, the petitioner assaulted the informant/complainant, who was in his official duty in uniform and was conducting the patrolling duty. Later, personnel from Khoraghat Forest Range came to the place of occurrence and took away the said Bolero Pick Up vehicle along with the sand therein.

4. Perused the case diary placed before the Court today by Mr. Das, learned Additional Public Prosecutor, Assam.

5. From the case diary, it is seen that the owner of the said vehicle, i.e., the father of the petitioner, i.e., owner of the said Bolero vehicle as well as its driver, who did not stop the said Bolero vehicle inspite of being signaled and rather tried to hit the forest vehicle, were already granted bail in said Bagribari P.S. Case No. 44/2024 by the Court of learned Sessions Judge, Kokrajhar.

6. Considering the materials available in the case diary, the Court is of the view that custodial detention of the petitioner, namely, **Afzal Ali @ Abjal Sk** is not warranted to investigate the said **Bagribari P.S. Case No. 44/2024**. As such, this pre-arrest bail application of the petitioner is accepted.

7. Accordingly, in the event of arrest of the petitioner, namely, **Afzal Ali @ Abjal Sk**, in

said **Bagribari P.S. Case No. 44/2024** registered under Sections 186/189/323/336/332/353/379/382/506/34 IPC read with Sections 179/184 of Motor Vehicle Act, 1988 corresponding to G.R. No. 213/2024, he shall be released on bail on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties each of the like amount, one of which shall be a Government employee, either State or Central Government, to the satisfaction of the arresting authority, subject to the conditions that the petitioner - **(i)** shall appear before the concerned Investigating Officer of said Bagribari P.S. Case No. 44/2024 **on or before 12.11.2024** and thereafter, as and when he is required for necessary investigation of the case; **(ii)** shall not leave the territorial jurisdiction of said Bagribari 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 them from disclosing such facts to the Court or to any police officer.

8. Any violation of any of the aforesaid terms and conditions by the petitioner, **Afzal Ali @ Abjal Sk**, pre-arrest bail granted to him in said Bagribari P.S. Case No. 44/2024 shall stand automatically vacated.

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

10. Return the case diary.

JUDGE

Comparing Assistant