

GAHC010223552024



2024:GAU-AS:12553

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

Case No. : AB/2812/2024

MAHBUBUR RAHMAN
S/O- SAHADAT ALI,
R/O- VILLAGE- SADULLABARI,
P.S- MANKACHAR, DIST- SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : ATIULLAH HAWARI, A R MONDAL, MR. S ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

10.12.2024

1. Heard Mr. S. Islam, learned counsel for the petitioner Mahbubur Rahman.
2. The petitioner has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with PRC Case No. 572/2024 under Sections

120(B)/302/109 of the IPC corresponding to Mankachar P.S. Case No. 139/2024 under Sections 120(B)/302/34 of the IPC.

3. Heard Mr. K. K. Das, learned Additional Public Prosecutor, Assam for the respondent State.

4. The FIR unfolds that the petitioner's step mother was allegedly killed by the petitioner and other family members including the petitioner's father. It is submitted that all the petitioners named in the FIR attempted to kill the informant's sister when the accused Shahadot Ali got married to the deceased. The deceased was Shahadot Ali's second wife. The petitioner is the son of Shahadot Ali and his first wife.

5. I have considered the submissions at the Bar. I have scrutinized the Case Diary. The merits of this case are not brought to the fore. I have considered the submission that the co-accused was granted pre-arrest bail to appear for his exams, and the co-accused was the petitioner's brother. The present petitioner also has to appear for his examination scheduled to be held on 12.12.2024.

6. It is submitted that the petitioner is innocent and he is a brilliant student who is pursuing B.Tech under Guwahati University. It is also further submitted that a false case has been brought up against the petitioner and the petitioner will be highly prejudiced if he is forwarded to custody during his examination merely on the ground of suspicion.

7. At this juncture, I would not like to deal with the merits of the case. Trial is about to commence as Charge-sheet has been submitted against the petitioner showing him as an absconder.

8. The petitioner is hereby directed to appear before the learned SDJM(M), Hatsingimari, and on his appearance the Trial Court shall grant bail to the

petitioner for an amount of Rs. 30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to his/her satisfaction under the condition that:

(i) The petitioner shall cooperate with the trial and shall not leave the jurisdiction of the Court without prior permission till completion of trial.

9. On breach of any of the bail conditions, the Eleka Magistrate/Trial Court is at liberty to immediately cancel the bail granted to the petitioner.

10. In terms of the above observation, anticipatory application stands disposed of.

JUDGE

Comparing Assistant