

GAHC010230372023



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

Case No. : AB/3479/2023

BIN AMIN
S/O LATE SHAHJAHAN ALI
R/O VILL- FINGUA GAON
P.O. CHAPAR BARI
P.S. SARTHEBARI
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S A B KHABIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 05-02-2024

Heard Mr. S.A.B. Khabir, learned counsel for the petitioner Bin Amin.

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure, 1973 with prayer for pre-arrest bail as he is apprehending arrest in connection with Patacharkuchi Police Station Case No. 358/2023 under

Sections 372/373 of the Indian Penal Code read with Section 3/4/5/5(1)(b)/5(1)(c)/6/7/7(1)(a) of the Immoral Traffic Prevention Act.

3. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor for the respondent State.

4. I have considered the submissions at the bar with circumspection and I have also perused the case diary. It is submitted on behalf of the petitioner that his name is not mentioned in the FIR and he is not involved in any immoral trafficking or any offence under Section 372/373 of the Indian Penal Code.

5. The learned Additional Public Prosecutor has raised objection, stating that there are incriminating materials in the case diary against the petitioner. The petitioner is the co-owner of the Ashirbad Hotel and Restaurant where the racket of immoral trafficking act was uncovered and several objectionable articles were seized from the hotel in relation to the activities of immoral trafficking.

6. A perusal of the case diary indeed reveals incriminating materials against the petitioner. The import of the Sections under which the petitioner is booked does not entitle him to anticipatory bail. At this juncture there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner.

7. Bail is rejected at this stage.

8. Anticipatory Bail Application stands disposed of in the above terms.

Send back the case diary.

JUDGE

Comparing Assistant