

GAHC010245402023



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

Case No. : AB/3686/2023

ATAUR RAHMAN @ ATIUR RAHMAN
S/O LATE MAHER ALI,
VILL. AND P.O.- BALIKATIA, P.S.- JURIA, DIST.- NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. A R SIKDAR, MR. S I TALUKDAR, J A SIKDAR, MR. SAIFUL ISLAM

Advocate for the Respondent : MR. D DAS, SC. NIA,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 10.09.2024

Heard Mr. A.R.Sikdar, learned counsel for the petitioner. Also heard Mr. B.B.Gogoi, learned Addl. P.P., Assam for the respondent.

By filing this petition under Section 438 Cr.P.C., the petitioner, namely, **Ataur Rahman @ Atiur Rahman** has prayed for granting pre-arrest bail,

apprehending arrest in connection with **Nagaon P.S. Case No.236/2023** under Section 120B/121 (A)/419/468/471/34 of the IPC r/w Section 18/18 (A)/19 UA (P) Act.

Learned Addl. P.P., submits that in view of Section 43 (4) of the Unlawful Activities (Prevention) Act, 1967, the instant application under section 438 CrPC is not maintainable.

Section 43 (4) is reproduced below:

“(4) Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person accused of having committed an offence punishable under this Act.”

In view of the above, this anticipatory bail application is dismissed.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant