

GAHC010266662024



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

Case No. : AB/3278/2024

ENAMUL HOQUE ALIAS ALI
S/O MAJAM ALI,
RESIDENT OF VILLAGE ALOMGANJ BAZAR, ASTOMIRACHAR, L.P
SCHOOL, PS AND DIST DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S PAUL, MS P DASGUPTA,MS F BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13-12-2024

Heard Mr. S. Paul, learned counsel appearing for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-

arrest bail in respect of Gorchuk P.S. Case No.403/2024, registered under Sections 296/126(2)/118(2)/3(5) of the BNS Act.

3. The informant and the present petitioner along with some other persons were doing painting job in a newly constructed building. It is alleged that the labourers used to throw water from the upper floors which fell on some other persons. On that issue, there was a quarrel which turned into a bigger one. The informant has alleged that in that incident, he sustained a fracture.

4. I have considered the submissions made by the learned counsel for both sides.

5. The petitioner and the informant both are colleagues in their work place. The incident might have taken place because of some misunderstanding.

6. This Court is of the opinion that under the given circumstances of the case, the petitioner does not deserve to be detained in custody. Therefore, the pre-arrest bail application is allowed.

7. It is hereby directed that in the event of arrest in connection with Gorchuk P.S. Case No.403/2024, registered under Sections 296/126(2)/118(2)/3(5) of the BNS Act, the petitioner, namely Enamul Hoque @ Ali shall be released on bail of ₹20,000/- with surety of like amount to the satisfaction of the arresting authority.

8. The petitioner shall cooperate with the police investigation as and when required.

The application for bail is disposed of.

Case diary shall be returned.

JUDGE

Comparing Assistant