

GAHC010269142023



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

**Case No. : AB/4049/2023**

EBRAHIM ALI  
S/O MD. KUDDUS ALI  
R/O 2 NO. UTTAR RANGAPANI  
P.S. BOKO  
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. A PARAMANIK**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 28.02.2024**

Heard Mr. A. Paramanik learned counsel for the petitioner and Mr. P. Borthakur, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 438 Cr.P.C., filed by the petitioner, namely, Ebrahim Ali, praying for pre- arrest bail who is apprehending arrest in connection with Boko P.S. Case No. 496/2023 under Sections 341/ 326/ 394 IPC.

The case diary is received and perused. Also perused the materials available on record.

Heard both sides.

From the order passed by this Court on 01.12.2023, it is seen that the petitioner had approached earlier before the learned Sessions Judge, Kamrup, Amingaon, seeking pre-arrest bail and after perusal of the case diary and considering the materials available in the case diary, his prayer for pre-arrest bail was rejected and interim pre-arrest bail order was also vacated. Thereafter, the present bail application has been filed by the petitioner seeking pre-arrest bail.

It is submitted by the learned counsel for the petitioner that the petitioner was not named accused in the FIR and the names of three other accused persons were mentioned in the FIR. The name of the present accused person is not available in the FIR and it has been registered under Section 394 IPC and not under Section 395 IPC.

It is also submitted by the learned counsel for the petitioner that after obtaining interim pre arrest bail from the Court of the learned Sessions Judge, Kamrup, Amingaon, the petitioner had appeared before the I.O. and his statement was recorded. However, he had an altercation with the I.O. and the I.O. misbehaved him and on the said ground the I.O. has brought some materials in the case diary against the accused/ petitioner. It is submitted by Mr. Paramanik the learned counsel for the petitioner that the petitioner is ready and willing to co-operate with the I.O., if the privilege of pre-arrest bail is granted to him.

In this context, Mr. Borthakur, the learned Addl. PP has submitted that there are sufficient incriminating materials available against the present accused/ petitioner in the case diary and the accused/ petitioner is the master-mind of the entire crimes and the victim sustained grievous injury due to assault by the present petitioner. There was also a meeting held between the accused persons before committing the offence and it has been committed with a plan. Accordingly, he raised objection in granting the privilege of pre-arrest bail to the petitioner.

Considering the submissions of the learned counsel for the parties and considering the incriminating materials available in the case diary and other aspects of the matter, I do not find it to be a fit case to extend the benefit of pre-arrest bail to the petitioner.

In view of the above, the prayer for pre-arrest bail is rejected.

The bail application is dismissed.

Return the case diary.

**JUDGE**

**Comparing Assistant**