

GAHC010270052023



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

Case No. : AB/4035/2023

BASER ALI KHAN @ BASER ALI
S/O SURAT ALI KHAN
VILL- PUB NIKARIPARA
P.S.LAKHIPUR
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 19-01-2024

Heard Mr. A.M. Khan learned counsel for the petitioner. Also heard Mr. K.K. Parashar, learned Addl. PP, Assam.

By this application under section 438 Cr.P.C, the petitioner Baser Ali Khan @ Baser Ali has prayed for pre arrest bail who is apprehending arrest in connection with Lakhipur PS Case No.328/2023 under sections 447/376/325 IPC.

On 05.11.2023 Bahadur Khan had lodged an FIR before the police alleging that Basher Ali Khan was assaulted by nine persons. The police registered a case as Lakhipur PS Case No.320/2023. This case has already been charge sheeted by the police.

On 12.11.2023, Basiya Khatun wife of Samsul Hoque, one of the accused in the earlier case had lodged an FIR before the police alleged that on 4.11.2023 Basher Ali had committed rape upon her at night while her husband had gone out of the house for fishing.

I have gone through the case diary and found that there is sufficient doubt about the veracity of the prosecution case against the petitioner and he does not deserve to be detained in custody. The pre arrest bail application of the petitioner is allowed.

Accordingly it is directed that in the event of arrest of the petitioner, above named, in connection with the aforementioned case, he shall be released on bail on furnishing a bail bond of Rs.25,000/- with a suitable surety of the like amount to the satisfaction of the arresting authority.

With the aforesaid, the pre arrest bail application stands disposed of.

The case diary be returned back.

JUDGE

Comparing Assistant