

GAHC010288252023



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

Case No. : AB/4290/2023

SAHINUR @ SAHINUR ISLAM
S/O JAHER ALI
R/O DHUBRI TO PATAMARI ROAD,
NEAR AMERVITA IDDGAR, CHOTO BASHJANI
(BASHAJANI) CHAGALCHARA, P.S. DHUBRI(SADAR),
DIST. DHUBRI, ASSAM
PIN-783324

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

11.03.2024

Heard Mr. A.A.R. Karim, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 438 of Code of Criminal Procedure,

1973, filed by the petitioner, namely, Sri Sahinur @Sahinur Islam, for granting of pre-arrest bail to the accused petitioner, who is apprehending his arrest, in connection with Dhubri (Sadar) P.S. Case No. 437/2023, registered under Section 392 of the Indian Penal Code, corresponding G.R. Case No. 1759/2023.

The case of the prosecution is that on 20.10.2023, while the informant was going to deposit Rs. 10,000/- at the Customer Servicing Point of Gazibor Rahman, the FIR named accused person, i.e. the petitioner prevented him and asked him of Rs. 10, but he denied to give the said money.

It is further alleged that the petitioner entered his hand into the informant's pocket and snatched away of Rs. 10,000 and a mobile handset.

As such a case was registered.

Mr. A.A.R. Karim, learned counsel for the petitioner submits that the petitioner and the informant are daily labourers by profession and are relative to each other.

He further submits a few months earlier both the petitioner and the informant worked together as daily labourer wherein, balanced amount of remuneration of Rs. 21,000/- was to be payable by the contractor to both of them equally. However, the informant received the said balanced remuneration of Rs. 21,000/- without informing the petitioner and accordingly, some altercation have taken place between them with this regard.

He further submits that the petitioner is willing to co-operate and appear before the Investigating Officer.

Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, on the other hand, opposes the prayer for anticipatory bail.

I have heard the submissions made at the bar and have perused the materials available on record.

Considering the facts and circumstances of the case, it is provided that in the event of arrest, the petitioner named above, shall be released on interim pre-arrest bail in connection with the above noted case on furnishing bail bond of Rs. 20,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject of course to conditions:-

- (i) the petitioner shall appear before the Investigating Officer within 7 days failing which failing which from the 8th day, the interim pre-arrest bail shall have no force;
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioner in the pending trial against them; and
- (iii) the petitioner shall refrain from committing any offence similar to that with which he has been accused of in the instant case.

This disposes of the anticipatory bail application.

Return the case diary.

JUDGE

Comparing Assistant