GAHC010118042020

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

Case No. : AB/2255/2020

HABIBUR RAHMAN
S/O LT. HASEN ALI, R/O VILL. TELIA CHAPARI, P.S. RUPAHIHAT, P.O. TELIA CHAPARI, DIST. NAGOAN, ASSAM, PIN-782125

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T H HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR JUSTICE SONGKHUPCHUNG SERTO

ORDER

Date : 26.11.2020

Heard Mr. T. H. Hazarika, learned counsel for the petitioner and Mr. M. P. Goswami, learned Additional Public Prosecutor, State of Assam.

This is an application under Section 438 of Cr.P.C filed by the petitioner, namely, Habibur Rahman, praying for pre-arrest bail in connection with Rupahihat P.S. Case No.314/2020, registered under Section 379 of the IPC.

It is submitted by the learned counsel for the petitioner that the FIR was lodged by the complainant just to implicate and harass him as they have a land

dispute between them. It is also submitted that the petitioner had appeared before the I.O. as directed by this Court in the interim order, therefore, his prayer for pre-arrest bail may be allowed.

The learned PP, State of Assam, submitted that as per the up-to-date CD, the petitioner has not appeared before the I.O. of the case as claimed by his learned counsel.

Perused the CD and bail objection of the I.O. The statement of the complainant and the witnesses clearly indicates that the petitioner is not innocent of the charges alleged against him. It also appears from the bail objection of the I.O. that the petitioner never appeared before the I.O. as claimed by his learned counsel.

Considering the above, I am not inclined to grant anticipatory bail to the petitioner as it is likely to harm further progress of the investigation. As such, his prayer for pre-arrest bail stands rejected and the interim order dated 10.09.2020 stands vacated.

This petition, accordingly, stands disposed of.

JUDGE

Comparing Assistant