GAHC010136532020

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

Case No. : AB/2738/2020

TANKESWAR DEKA
C/O DHANESWARDAKA, VILLAGE AND PO TETELIA, PS HAJO, DIST KAMRUP R ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR H K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR JUSTICE SONGKHUPCHUNG SERTO

ORDER

Date : 23-11-2020

Heard Mr. U. Pathak, learned counsel for the petitioner as well as Mr. N.P. Goswami, learned Additional Public Prosecutor, State of Assam.

This is an application under Section 438 Cr.P.C. praying for pre-arrest bail of the petitioner in connection with FIR Case No. 770 of 2020 (Hajo P.S.) registered under Sections 294/153A/295A/507/34 of IPC read with Section 67 of I.T. Act.

On 03.08.2020, a complaint was lodged in the office of the Officer-In-Charge of Hajo Police Station by three persons, namely, Rekib Ali, Raja Ali and Sajid Ahmed alleging that the petitioner had uttered slang words in news channels against a community which is likely to cause communal fights. Following the same the above mentioned FIR case was registered. Apprehending arrest in connection of the FIR case the petitioner approached this Court by filing the instant application praying for pre-arrest bail. On 20.10.2020 when the application was moved he was granted interim bail.

It is submitted by Mr. U. Pathak, learned counsel for the petitioner that nowhere in the FIR, words spoken by the petitioner which are alleged to be communal are mentioned and no one among the witnesses whose statements have been recorded made mention of any words even allegedly spoken by the petitioner. Therefore, the charges levelled against the accused are baseless and without any material to substantiate.

Considered the submission of the learned counsel for the petitioner and the Addl. P.P. and perused the statements of the witnesses and the petitioner/accused. I find no words which is likely to hurt the sentiment of a certain community or which is likely to lead to communal disharmony spoken by the petitioner. Prima facie it appears that the accusations against the petitioner are baseless. Therefore, this Court is of the view that the prayer of the petitioner should be allowed. Accordingly, the petition is allowed and the order dated 20.10.2020 passed by this Court in this case is made absolute.

JUDGE

Comparing Assistant