GAHC010169502020

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

Case No. : AB/3414/2020

MD RAFIQUL ALOM
S/O KALIM UDDIN AHMED, R/O VILL-KARAI KHAITY (KHOLABANDHA),
P.S.-KACHUMARA, P.O.-PATHIMARY, DIST-BARPETA (ASSAM), PIN-781127

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N D BHUYAN

Advocate for the Respondent : PP, ASSAM

B E F O R E

HON'BLE MR. JUSTICE HITESH KUMAR SARMA

11-12-2020

This is an application, filed under Section 438 of the Cr.PC. seeking pre-arrest bail of the accused-petitioner, namely, ***Md. Rafiqul Alom,*** in connection with ***Kachumara P.S. Case No.96/2020*** registered under Sections ***120(B)/420/406/468*** of the Indian Penal Code.

Heard Mr. P.K. Mazumdar, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State Respondent.

Case diary produced has been perused.

Learned counsel for the petitioner has referred to an order passed by this Court on 19.10.2020 in A.B. No.2024 of 2020 granting pre-arrest bail to some of the co-accused. There is an observation in the said order with regard to the note of the Investigating Officer dated 12.20.2020.

I have perused the said note in the case diary and found that this petitioner is not suspected to have committed the alleged offence.

That being so, this petitioner appears to have been covered by the same observation on the basis of which the co-accused were granted pre-arrest bail by the aforesaid order. Therefore, on the ground of parity the present petitioner is also granted the privilege of pre-arrest bail.

Accordingly, the petitioner shall appear before the Investigating Police Officer within 7 (seven) days from today so as to enable the Investigating Police Officer to record his statement, and, in the event of his arrest, he shall be released on furnishing a bail bond of Rs. 15,000/- with a suitable surety of the like amount to the satisfaction of the arresting authority, on the conditions:-

1. The petitioner shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,

2. The petitioner shall not hamper with the investigation, or tamper with the evidence of the case, and

3. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant