

AB 4198/2012

BEFORE

HON'BLE MR. JUSTICE C.R. SARMA

Heard Mr. T. Chutia, learned counsel, appearing for the petitioners and Mr. B.S. Sinha, learned Additional Public prosecutor, Assam, appearing for the State respondent.

Perused the case diary.

By this application, filed under Section 438 Cr. P.C., the petitioners namely, Md. Hafijur rahman @ Babu Ali and Md. Ataur Rahma have prayed for pre-arrest bail, in connection with Sivasagar P.S. Case No. 681/2012(G.R. Case No. 0495/2012), under Sections 147/ 148/ 149/ 448/ 353/ 332/ 307/ 398/ 427 IPC r/w Sec. 3 of the P.D. PP Act.

The allegation made against the petitioners is that on 01.10.2012, about 100-110 persons attacked the Disangmukh Police Out- Post and damaged the furniture and other articles therein in connection with death of a person namely, Azizur Rahman, who is brother of the petitioner No. 1.

Having heard the learned counsel for both the parties and considering the entire aspect of the matter as well as the nature of allegation, brought against the petitioners, I do not find sufficient reason for custodial interrogation or detention of the petitioners. Accordingly, the interim order dated 11.10.2012 is made absolute, subject to the condition that the petitioners shall appear before the I.O. within seven days from this date and on such other dates, as may be required for the purpose of investigation.

Return the case diary.

Bail application is disposed of.