

AB 2874/2014

PRESENT

HON'BLE MR JUSTICE UJJAL BHUYAN

Heard Mr. K.Baruah, learned counsel for the petitioner and Mr. NJ Dutta, learned Addl. PP, Assam.

This is an application under Section 438 of the Code of Criminal Procedure by the petitioner Md. Abdul Kalam seeking pre-arrest bail in connection with Baghbar P.S. Case No.282/2008 (G.R. No.2033/2008) under Sections 395/397 IPC.

From the documents placed on record, it is seen that FIR in this case was lodged as far back as on 7.1.2008. Allegation in the FIR is that a group of miscreants had unlawfully obstructed the informant and another while they were proceeding to the market to purchase jute. By threatening them, the group of miscreants forcefully took away the cash which the informant was carrying. Police investigated the case and thereafter filed charge-sheet on 7.11.2009. A number of persons were arrested in the course of the investigation who were named as accused. Petitioner was also named as accused but with the remark that he was absconding. As per the last order of the Sub Divisional Judicial Magistrate(S), Barpeta dated 16.6.2014 in G.R. No.2033/2008, it is seen that though petitioner had filed petition but he was absent.

In the situation noticed above, this Court is not inclined to grant the privilege of pre-arrest bail to the petitioner.

Petitioner may however appear before the trial Court and file necessary application for bail which shall be considered in accordance with law.

Bail petition is disposed of.