

AB 1235/2016

BEFORE

HON'BLE MR. JUSTICE PARAN KUMAR PHUKAN

Heard Mr. M. A. Laskar, learned counsel for the petitioners and also heard Ms. B. Saikia, learned Addl. PP, Assam.

This application u/s 438 CrPC has been filed by the petitioners, namely, 1) Dr. Parveez Ubed and 2) Sri Parag Jyoti Hazarika, praying for pre arrest bail in connection with Nagaon P.S. Case No. 1286/2016, registered u/s 420/294/34 of the IPC.

The accusation against the accused petitioners is that they mentally harassed the informant Monjyoti Devi who is presently working as an OPD in-charge - cum- Conseller in the E.R.C. Eye Care, Nagaon alleging that she knew about the theft which occurred in the hospital a few days back.

Learned counsel for the petitioners submits that no prima facie case has been made out from the FIR against the accused petitioners and even if they attributed knowledge of theft in the hospital to the first informant that would not attract section 420 of the IPC. No serious objection has been raised by the learned Addl. PP.

Having regard to the facts of the case and nature of accusation and having heard the learned counsel for the parties, I am of the considered view that this is a fit case to extend the privilege of section 438 CrPC to the accused petitioners and accordingly it is directed that the accused petitioners in the event of their arrest shall be released on bail of Rs. 10,000/- each with one local surety of the like amount to the satisfaction of the arresting authority on condition that they will appear before the I.O. within a period of 5 days from today and shall co-operate with him in the investigation of the case.

Bail application is disposed of.