

GAHC010082732020



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

Case No. : AB 1433/2020

1:ABDUL MOTIN
S/O HAJROT ALI, R/O VILLAGE TUKTUKI, PS DHING, DIST. NAGAON,
(ASSAM)

VERSUS

1:THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

Date : 30-07-2020

Heard Mr. Azad Ahmed, learned counsel for the petitioner and Mr. H.K. Sarma, learned Addl. Public Prosecutor for the State. Also perused the FIR and the documents annexed therewith as well as the case diary produced today.

By this second successive application u/s 438 Cr.P.C. the petitioner, namely, Abdul Motin has prayed for pre-arrest bail apprehending arrest in connection with Dhing P.S. Case No. 438/2019 u/s 294/354/352/323/325/302/34 of the IPC.

Learned counsel for the petitioner, Mr. Ahmed submits that the petitioner died due to hemorrhage resulting from high blood pressure and the death of the victim was not the

consequence of assault.

The post mortem report available in the case diary shows that there were injuries on the head of the victim. According to the doctor, the death of the deceased was caused due to shock and hemorrhage. The case diary was also considered while rejecting the bail petition of the petitioner on earlier occasion. The petitioner has not stated anything in this petition to project any fresh ground for re-consideration of the prayer for pre-arrest bail, which was already rejected on merit upon consideration of the case diary.

In absence of any fresh ground for re-consideration, the present petition is devoid of merit and accordingly the prayer for pre-arrest bail stands rejected.

Send back the case diary.

AB stands disposed of.

JUDGE

Comparing Assistant