

Present: : **Sri S.K. Kabra**
Addl. District and Sessions Judge (FTC)
Dibrugarh.

Criminal Misc. (B) Case No. 703/2021

Order

06.12.2021

This is a petition u/s 438 CrPC seeking liberty of pre-arrest bail for the accused Shri Rohan Prasad, who is apprehending arrest, in connection with Dibrugarh P.S. Case No. 1999/2021 registered u/s 302 of IPC.

Called for Case Diary is received. I have perused the Case Diary and also heard both the parties.

During hearing, Ld. Counsel for the petitioner/accused submitted that accused have been falsely implicated in the present case. It is stated that the investigating officer has been in search of the accused/petitioner with intent to arrest him without any cogent evidence against the petitioner/accused. It is also submitted that petitioner is a student of Degree and his going into custodial detention would hamper his future. Learned Counsel for the accused further submitted that accused person shall abide by any condition imposed upon him if bail is granted.

On the other hand, learned Addl. PP has opposed the bail petition.

I have considered the submissions of both sides.

A bare perusal of the bail petition reveals that petitioner has not stated as to why the petitioner reasonably apprehends arrest and also petitioner has not stated his side of story in the petition. In absence of said necessary particulars it is difficult for this Court to evaluate the threat or apprehension, its gravity or seriousness and appropriateness

of any conditions that may have to be imposed. Even the case diary do not reveal any such fact.

It is settled law that Section 438 of CrPC cannot be invoked on the basis of vague and general allegations, as if to arm oneself in perpetuity against a possible arrest.

In view of aforesaid facts, I am of the opinion that it is not a fit case to exercise the discretionary jurisdiction u/s 438 of CrPC. Hence, **the prayer for anticipatory bail is rejected.**

Send back the Case Diary along with a copy of this order to the Dibrugarh Police Station for information and record.

Accordingly, the bail Petition is disposed of.


S. K. Kabra
Addl. Sessions Judge (ATC)
Dibrugarh

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07/12/2021