

GAHC010107972022



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

Case No. : AB/1522/2022

JAMIR AHMED CHOUDHURY

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

18.08.2022.

Heard Mr. H. R. A. Choudhury, learned senior counsel assisted by Mr. A.Y. Choudhury, learned counsel for the accused/applicant and also heard Mr. P. Borthakur, learned Additional P.P. for the State respondent.

Applicant Jamir Ahmed Choudhury, apprehending arrest in connection with Goalpara P.S. Case No. 120/2022, under Sections 166/153 (A)/153 (B)/120 (B)/505 IPC, read with Section 83 of J.J. Act, 2015, approached this Court by filing this application under Section 438 Cr.P.C., for grant of pre-arrest bail.

The above mentioned Goalpara P.S. Case No. 120/2022, under Sections 166/153(A)/153(B)/120(B)/505 IPC, read with Section 83 of J.J. Act, 2015, has been registered on the basis of an F.I.R., lodged by one Sashi Kumar Deka, ACS, Executive Magistrate, Goalpara, on 21.05.2022, to the effect that the Deputy Commissioner, Goalpara has received one e-mail from Jamir Ahmed Choudhury, Associate Professor, S.S. College, Hailakandi, Assam, where he has used highly derogatory, objectionable and unparliamentarian words, while addressing the Chief Minister of Assam as "Devil and barking dog" and the Education Minister of Assam as "Nonsense", thereby challenging and demeaning the lawful authority of the State and he has also criticized the Educational system and tried to project 'PIL Education', which is based primarily on Islamic faith and value, which is also a deliberate and malicious attempt to outrage the religious feeling and an attempt to insult other religious faith with a purpose of creating divisive atmosphere which may create serious law and order situation provoking communal clashes and violence among general public".

Mr. H. R. A. Choudhury, learned senior counsel, appearing for the accused/applicant submits that in pursuant to the order of this Court, dated 09.06.2022, the applicant appeared before the I.O. and his statement is recorded and that he is cooperating with the investigating agency and that the applicant is an Associate Professor, S.S. College, Hailakandi and therefore, it is contended to make the interim order dated 09.06.2022 absolute, in the same terms and conditions. Mr. Choudhury further submits that upon the same e-mail,

sent by the applicant, Goalpara P.S. Case No. 120/2022 and the Hailakandi P.S. Case No.162/2022 have been registered and that in the Hailakandi P.S. Case No.162/2022, the applicant has already been granted pre-arrest bail.

On the other hand, producing the case diary before this Court, Mr. P. Borthakur, learned Additional Public Prosecutor, Assam submits that the contents of the FIR of Goalpara P.S. Case No. 120/2022 and the Hailakandi P.S. Case No.162/2022 are same and Mr. Borthakur also confirmed that the applicant appeared before the I.O. and his statement has already been recorded.

Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary of Hailakandi P.S. Case No.162/2022 and it appears that the contents of FIR in both the cases i.e. Hailakandi P.S. Case No.162/2022 and Goalpara P.S. Case No. 120/2022 are same. It also appears that in pursuant to the order of this Court, dated 09.06.2022, the applicant appeared before the I.O. and his statement is recorded and that he is cooperating with the investigating agency.

In view of above, this Court is inclined to make the interim order, dated 09.06.2022, absolute in the same terms and conditions.

Accordingly this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant