

GAHC010117292020



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

**Case No. : AB 2238/2020**

1:ALTAF HUSSAIN CHOUDHURY @ ALTAF CHOUDHURY  
S/O MONIR UDDIN CHOUDHURY, R/O VILL-UTTAR JOSHNABAD-2, P.O.-  
LALAMUKH, P.S.-LALA, DIST-HAILAKANDI, ASSAM

VERSUS

1:THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR H R A CHOUDHURY

**Advocate for the Respondent** : PP, ASSAM

**BEFORE**  
**HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN**  
**ORDER**

**28.09.2020**

By this application under Section 438 CrPC, petitioner, namely, Altaf Hussain Choudhury @ Altaf Choudhury, has sought for pre-arrest bail in the event of his arrest in connection with Hailakandi PS Case No. 657/2020, under Sections 295 (A)/153 (A) IPC, read with Section 67 of the IT Act.

Heard the learned counsel for both the sides.

Also perused the Case Diary produced.

Allegation against the petitioner is that on 04.08.2020, the petitioner made a Facebook post, uploading some defamatory photos of Lord Rama and also used some un-parliamentary words, with a view to create communal disturbance. The Case Diary reveals that he made commenting lines on the post on Lord Rama and some of the Facebook friends also gave some reply. The accused immediately,

beg apology and also deleted the comment from the post and he repented for the same. The witnesses examined have also stated that they know about the apology begged by the accused person after such negative comment.

Case Diary, however, does not reflect that such a post was made to promote enmity between different groups on the grounds of religion, race etc., which is prejudicial to the maintenance of the harmony in the society. Further, the petitioner has already deleted the post and begged apology for his conduct. In such backdrop, it is the considered opinion of the Court that custodial detention of the accused petitioner is not warranted. Accordingly, interim bail granted earlier is hereby made absolute.

Anticipatory Bail Application stands disposed of.

Return the Case Diary.

**JUDGE**

**Comparing Assistant**