

GAHC010000332023



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

Case No. : AB/10/2023

MOTIUR RAHMAN AND ANR
S/O LATE FOIZUR RAHMAN @ MOIJUR RAHMAN, VILL- GAMARIA, P.S.
R.K. NAGAR, DIST. KARIMGANJ, ASSAM

2: NOMAN UDDIN @ NUMAN UDDIN
S/O ABDUL MUTLIB
VILL- DALURBOND
P.S. R.K. NAGAR

DIST. KARIMGANJ
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

30.01.2023

Heard Mr. S. C. Biswas, the learned counsel for the petitioners. Also heard

Mr. R. J. Boruah, learned Additional Public Prosecutor for the State of Assam and Mr. R. A. Choudhury, learned counsel for the informant.

By this application under Section 438 Cr.P.C., the petitioners, namely **Motiur Rahman and Mr. Noman Uddin @ Numan Uddin** are seeking pre-arrest bail in connection with Ram Krishna Nagar Police Station Case No. 152/2022 registered under Section 451/323/506 IPC read with Section 25(1-A) of Arms Act 1959, corresponding to G.R. Case No. 2138/2022.

The F.I.R. in question was lodged by the wife of the petitioner Motiur Rahman inter alia alleging that the accused persons had physically assaulted her and used a pistol to threaten her and petitioner No. 2, was holding one bottle of petrol. When she raised hue and cry, the neighbouring peoples were coming, then the accused fled away.

Perused the materials in the Case Diary including the statement of the villagers and the report of the Investigating Officer. The said material discloses that no pistol or any petrol were recovered from the place of occurrence and the villagers and neighbors has not stated to have witnessed such incident.

Considering the stage of investigation as well as the statement of the witnesses, material so far collected and the multiple civil litigation between the parties involving family dispute, this Court is of the considered opinion that the petitioners are entitled for grant of privilege of pre-arrest bail. Accordingly, it is provided that in the event of arrest of the accused/petitioners above named, in connection with the case aforementioned, they shall be released on bail on furnishing bail bond of Rs. 25,000/- each with a suitable surety of the like amount, to the satisfaction of arresting authority. The pre-arrest bail is granted on the following conditions:

- (1) The petitioners shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,
- (2) The petitioners shall not hamper with the investigation, or tamper with the evidence of the case,
- (3) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer,
- (4) The petitioners shall appear before the Officer-in-Charge, Ram Krishna Nagar Police Station within 7(seven) days from today.
- (5) The petitioner shall continue to appear before the Investigating Officer of the above mentioned case after every 10(ten) days from the date of first appearance till such time the attendance is dispensed with by the said investigating officer.

Accordingly, this bail application stands disposed of.

JUDGE

Comparing Assistant