

GAHC010005602023



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

Case No. : AB/70/2023

REZZAK-UL ISLAM @ REZZAK ALI AND 8 ORS.
S/O ABUL HUSSAIN,
R/O BANGALIPARA, BILASIPARA PART- I,
P.O. AND P.S.- BILASIPARA,
DIST.- DHUBRI, ASSAM, PIN- 783348.

2: ABUL HUSSAIN
S/O LATE AYNAL HOQUE

R/O BANGALIPARA
BILASIPARA PART- I

P.O. AND P.S.- BILASIPARA

DIST.- DHUBRI
ASSAM
PIN- 783348.

3: MINARUL ISLAM
S/O ABUL HUSSAIN

R/O BANGALIPARA
BILASIPARA PART- I

P.O. AND P.S.- BILASIPARA

DIST.- DHUBRI
ASSAM
PIN- 783348.

4: ANOWAR HUSSAIN @ ANAR HOSSEN
S/O ABUL HUSSAIN

R/O BANGALIPARA

BILASIPARA PART- I

P.O. AND P.S.- BILASIPARA

DIST.- DHUBRI
ASSAM
PIN- 783348.

5: RAHUL ALI
S/O ABUL HUSSAIN

R/O BANGALIPARA
BILASIPARA PART- I

P.O. AND P.S.- BILASIPARA

DIST.- DHUBRI
ASSAM
PIN- 783348.

6: AKHIRUL ISLAM
S/O ABUL HUSSAIN

R/O BANGALIPARA
BILASIPARA PART- I

P.O. AND P.S.- BILASIPARA

DIST.- DHUBRI
ASSAM
PIN- 783348.

7: JAKIR HUSSAIN
S/O LT. BABAR ALI

R/O BANGALIPARA
BILASIPARA PART- I

P.O. AND P.S.- BILASIPARA

DIST.- DHUBRI
ASSAM
PIN- 783348

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 09.11.2023

Heard Mr. N. J. Dutta, learned counsel for the petitioners. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent as well as Mr. M. Ahmed, learned counsel appearing for the informant side.

Learned Additional Public Prosecutor has submitted that the report of the Investigating Officer which was called for by this Court could not be procured due to some communication gap and prays for some more time for producing the same.

Learned counsel for the petitioners has submitted that the petitioners were allowed to go on interim bail by order dated 21.07.2023 and in pursuant to the direction by this Court, the petitioners have appeared before the Investigating Officer and have co-operated in the investigation.

Learned Additional Public Prosecutor has also verified from the case diary and has submitted that the statement of the present petitioners have already been undergone recorded under Section 161 of the Code of Criminal Procedure, 1973.

On the other hand, Mr. M. Ahmed, learned counsel for the informant vehemently opposed the grant of bail to the present petitioners on the ground

that the injuries sustained by the brother of the informant had died due to the assault in the incident.

The learned counsel for the informant also submits that if the petitioners are released on bail at this stage they may tamper with the evidence and may sustain the witnesses.

I have considered the submissions made by the learned counsel for both the sides and have perused the case diary. It appears that the petitioner after obtaining interim bail by order dated 21.07.2023 have co-operated in the investigation and have complied with the direction of this Court and there is no material on record to suggest that they have violated any of the bail conditions.

The apprehension of threatening witnesses by the petitioners submitted by learned counsel for the informant at this stage appears to be mere apprehension only as no materials are there in record to fortify such apprehension and therefore this Court is of the considered opinion that further custodial detention of the present petitioners may not be necessary if the present petitioners co-operates with the Investigating Officer and comply with the conditions of interim bail granted to them.

In view of the interim anticipatory bail granted to the present petitioners by order dated 21.07.2023 is hereby made absolute with the following conditions that

- i. That they 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 him from disclosing such facts to the Investigating Officer of the said case or to any court.
- ii. That they shall continue to co-operate in the investigation

With the above observations, this anticipatory bail application is accordingly disposed of.

JUDGE

Comparing Assistant