

GAHC010007732023



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

Case No. : AB/119/2023

FAZLUR HOQUE@FAZLUR RAHMAN
S/O- LT. SADEK ALI, R/O- VILL- BANGALIPARA PART-1, P.O. AND P.S.
BILASIPARA, DIST.- DHUBRI, PIN- 783348

VERSUS

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

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 07.06.2023

Heard Mr. M. A. Sheikh, learned counsel appearing for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

2. By this application under Section 438 of Cr. P.C., the petitioner, namely, Fazlur Hoque @ Fazlur Rahman is seeking

Anticipatory Bail apprehending arrest in connection with an FIR dated 30.12.2022, which is registered as Bilasipara Police Station case No. 390/2022, registered under Sections 143/341/325/326 of IPC.

3. By the said FIR dated 30.12.2022, lodged by the informant, one Rezzakul Islam it was alleged that on 30.12.2022 at about 1.00 p.m while coming out of Bongalipara Masjid after performing Firday namaj he saw there was an altercation between the accused persons named in the FIR as well as the relatives of the informant named in the FIR. Pursuant thereto a quarrel took place and the accused persons assaulted the other party with iron rod, dagger and sharp bamboo stick etc causing grievous injuries to them and tried to kill them by life. Thereafter, all the injured persons were admitted to the Bilasipara Adarsha Hospital and some of the injured persons were referred to RNB Civil Hospital for better treatment. The present petitioner is named as accused No.3 in the FIR.

4. This Court by earlier order dated 14.02.2023 while calling for case dairy had granted interim bail to the petitioner.

5. The case dairy called for has been produced by Mr. B. B. Gogoi, learned Additional Public Prosecutor appears for the State of Assam. The case dairy produced has been carefully perused.

6. Upon perusal of the case dairy it is seen that there was a fight over the maintenance of accounts in the Masjid

committee between the two groups of people. The investigation has been carried on but the charge-sheet has not yet been filed.

7. Upon careful perusal of the case diary, no specific incriminating materials have been found against the petitioner at the stage of investigation. There are no materials to suggest that petitioner did not comply with the directions issued by this Court while grant of interim bail. No materials are seen from the case diary to suggest that pursuant to grant of interim bail, the petitioner did not abide by the conditions mentioned in the said order or that the continuation of the interim bail granted will be cause any impediment with the investigation that is carried on.

8. Upon due consideration of the materials available before this Court, this Court is of the view that the interim bail granted vide order dated 14.02.2023 can be made absolute. The interim bail granted earlier is therefore made absolute on the same conditions mentioned in the said order.

9. Accordingly, bail petition is allowed and disposed of.

10. Return the case diary.

JUDGE

Comparing Assistant