

GAHC010020022023



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

Case : Bail Appln./347/2023

MOTIBUR RAHMAN AND 2 ORS
S/O USMAN ALI
VILL- NO. 2 BORCHALA
P.S. NORTH LAKHIMPUR

DIST. LAKHIMPUR
ASSAM

2: SOYDUR RAHMAN @ SOIDUR RAHMAN
S/O MONNAS ALI
VILL- NO. 1 BORCHALA
P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM

3: SHAHANUR ALOM @ MD. SAHANUR ALOM
S/O MD. ABDUL RAHMAN
VILL- NO. 2 BORCHALA
P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM
VERSUS

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

Advocate for : MR H R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 15.02.2023

Heard Mr. H.R.A. Choudhury, learned senior counsel assisted by Mr. F.U. Barbhuiya, learned counsel for the petitioners, namely Motibur Rahman, Soydur Rahman @ Soidur Rahman, Shahanur Alom @ Md. Sahanur Alom. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. The petitioners Motibur Rahman, Soydur Rahman @ Soidur Rahman, Shahanur Alom @ Md. Sahanur Alom have filed this bail application under Section 439 Cr.P.C., with a prayer for bail as the petitioners are in judicial custody since 13.01.2023 and 14.01.23 in connection with North Lakhimpur P.S. Case No. 16/2023 (Corresponding to G.R. Case No. 38/2023) registered under Sections 384/ 306/ 506/ 34 IPC.

3. The allegations against the petitioners is that the petitioners have been demanding Rupees 15 (fifteen) lakhs from the informant's family for more than 2 months and have also threatened the informant's family to entangle the informant's son, Nasirul Islam with a criminal case which will land him in jail. When the informant's son was arrested, the petitioners again demanded Rupees 5 (five) lakhs from the husband of the informant. On 10.01.2023 at about 9.00 p.m. the petitioners illegally entered into the house of the informant and gave serious threats to the husband of the informant which prompted him to commit suicide.

4. I have perused the case diary including the documents annexed with the petition.

5. I have considered the submissions at the Bar.

6. The learned Addl. PP has raised serious objection against granting bail to the petitioners as there are incriminating materials against the petitioners.

7. However, the petitioners are languishing in the jail since 13.01.2023 and 14.01.2023 and the investigation has substantially progressed. Further detention of the petitioners may not be necessary.

8. Considering all aspects and in view of my foregoing discussions, the petitioners named above are enlarged on bail of Rs. 35,000/- each with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur in connection with the aforementioned case under the following conditions that :-

1. the petitioners shall refrain from such activities with which they are suspected,
2. the petitioners will not exercise threats to any person acquainted with the facts of the case, and
3. the petitioners shall not hamper or tamper with the evidence of the case.

9. The bail application is disposed of.
Return the case diary.

JUDGE

Comparing Assistant