

GAHC010020022023



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

Case No. : AB/297/2023

SOFIQL ISLAM AND 3 ORS.
S/O- LATE ARAB ALI,
VILLAGE NO. 1 BORCHALA,
P.S. NORTH LAKHIMPUR,
DISTRICT- LAKHIMPUR, ASSAM.

2: MD. SIRAJ ALI
S/O- LATE ARSAB ALI

VILLAGE NO. 1 BORCHALA

P.S. NORTH LAKHIMPUR

DISTRICT- LAKHIMPUR
ASSAM.

3: HASEN ALI
S/O- LATE ALIM UDDIN

VILLAGE NO. 1 BORCHALA

P.S. NORTH LAKHIMPUR

DISTRICT- LAKHIMPUR
ASSAM.

4: NASIR UDDIN AHMED
S/O- LATE HASEN ALI

VILLAGE NO. 1 BORCHALA

P.S. NORTH LAKHIMPUR

DISTRICT- LAKHIMPUR

ASSAM

VERSUS

THE STATE OF ASSAM

REP. BY PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, 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 (1) Sofiqul Islam, (2) Md. Siraj Ali, (3) Hasen Ali and (4) Nasir Uddin Ahmed. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. The petitioners (1) Sofiqul Islam, (2) Md. Siraj Ali, (3) Hasen Ali and (4) Nasir Uddin Ahmed have filed this anticipatory bail application under Section 438 Cr.P.C., with a prayer for granting pre-arrest bail, who are apprehending arrest 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.

1. 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 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.

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

3. I have considered the submissions at the Bar.

4. The learned Addl. PP has raised serious objection against granting pre-arrest bail to the petitioners as there are incriminating materials against the petitioners available in the case diary. The investigation has indeed substantially progressed.

5. Considering all aspect and in view of the foregoing discussions, I am inclined to grant the privilege of pre- arrest bail to the petitioner Nos. 2 and 3 namely Md. Siraj Ali, Hasen Ali. In the event of arrest of the petitioners Nos. 2 and 3 Md. Siraj Ali, Hasen Ali are to be enlarged on bail in connection with the aforementioned case on furnishing a bail of Rs. 35,000/- each with a suitable surety of like amount to the satisfaction of the arresting authority with the following conditions:-

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

6. However, considering the incriminating materials available in the case diary against the petitioner Nos. 1 and 4, namely sofiqul Islam and Nasir Uddin Ahmed and considering the statement of the witnesses recorded under Sections 161/ 164 Cr.P.C., their prayer for pre- arrest bail is rejected at this stage.

7. The bail application is disposed of.

Return the case diary.

JUDGE

Comparing Assistant