

GAHC010054842023



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

Case No. : AB/906/2023

MUZAMMEL HOQUE
S/O LATE SAMSUL HUDA
VILL- MAIRAJHAR GAON
P.O. MAIRAJHAR
P.S. GABARDHANA
DIST. BAKSA, BTAD, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE ADDL. PP, ASSAM

Advocate for the Petitioner : MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 27-03-2023

Heard Mr. S. S. Sikdar, learned counsel for the applicant. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail in connection with Crime Branch P.S. Case No.17/2020, registered under Sections 120(B)/153(A)/295-A of the Indian penal Code.

It is submitted by the learned counsel for the applicant, Mr. S. S. Sikdhar, that the accused/applicant is not all involved in the alleged offence as stated in the FIR. The accused/applicant is working as a DTP operator at M/S Classic Infotech. One organization, namely Popular Front of India placed an order for printing of some leaflets and posters and the present accused/petitioner composed the said leaflets and sends it through email. Apart from that the accused/applicant is no way involved in the alleged offence. More so, the other two main co-accused namely, Abu Shama Ahmed and Chand Mahmud Ali @ Chand Mohammad Ali are already been granted anticipatory bail. The present accused/applicant has already appeared before the IO, consecutively on two occasions and received a notice under Section 41 Cr.P.C. and extended his cooperation during the investigation of this case. Further, the accused/applicant prays for grant of interim pre-arrest bail and submitted that he is ready to co-operate with the investigation of this case, if so granted.

In this context, Mr. D. Das, learned Additional Public Prosecutor, by producing the case diary before this Court and submits that the accused/applicant has appeared before the IO pursuant to the notice under Section 41 Cr.P.C. Further, the accused/applicant is co-operating with the investigation of the same

Considering the submissions made by the learned counsels of both sides as well as considering the case diary and also the conduct of the accused/applicant, I find it a fit case to grant the privilege of pre-arrest bail to the accused/applicant.

Accordingly, it is provided that in the event of arrest of the accused/applicant, namely, Muzammel Hoque, in connection with Crime Branch P.S. Case No.17/2020, registered under Sections 120(B)/153(A)/295-A of the Indian penal Code, he shall be enlarged on pre-arrest bail on his executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required.
- (ii) that the applicant 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 Court or to any police officer; and

(iii) that the applicant shall not leave the jurisdiction of the concerned jurisdictional Magistrate, without prior permission.

In terms of above, this anticipatory bail stands dispose of.

JUDGE

Comparing Assistant