

GAHC010056472023



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

Case No. : AB/961/2023

MD. IKRAMUL HUSSAIN AND ANR
S/O- OSMAN ALI,
R/O- VILLAGE MAHAGURI,
P.O- SINGARI,
P.S- JURIA, DIST- NAGAON, ASSAM, PIN-782124

2: MD. RAJUL ISLAM
S/O- HAJRAT ALI

R/O- VILLAGE FAKALI PATHAR

P.O- SINGARI

P.S- JURIA
DIST- NAGAON
ASSAM
PIN-78212

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR. M K HUSSAIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

12-04-2023

Heard Mr. M.K. Hussain, learned counsel for the petitioners. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam.

This Anticipatory Bail petition has been filed by the petitioners, namely, 1) Md. Ikramul Hussain & 2) Md. Rajul Islam, who are apprehending their arrest in connection with Nagaon P.S. Case No.147/2023 registered under Sections 489(A)/489(C) of the IPC.

In deference to the order of this Court passed on 17.03.2023 and 31.03.2023 the case diary along with the status report has been called for.

The learned Addl. P.P. submits that though the case diary as well as no status report has been received in respect of the involvement of the petitioner no.2.

Learned Addl. P.P. submits that he has received telephonic instructions from the IO of the case that as of now specific information has been received in respect of the petitioner no.1, therefore, since the investigation is in process, the anticipatory bail petition prayed for by the petitioners may be rejected.

Learned counsel for the parties have been heard.

Anticipatory Bail application as well as the case diary produced before this Court has been carefully perused.

From the case diary, it is seen that there are materials which clearly incriminate the petitioner no.1. However, no specific materials are seen in the

case diary as regards the petitioner no.2 at this stage of investigation.

Accordingly, this Anticipatory Bail petition is allowed in so far as the petitioner no.2 is concerned.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with the above noted case, he shall be released on interim pre-arrest bail upon furnishing a bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with 2 (two) local surety of like amount to the satisfaction of the arresting authority, subject, of course to the following conditions:

- (i) That the petitioner No.2 shall appear before the investigating Officer within 10 (ten) days from today;
- (ii) That the petitioner no.2 shall not hamper or tamper with the investigation in any manner;
- (iii) That the petitioner no.2 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 office; and
- (iv) That the petitioner no.2 shall not change his residence without obtaining prior written permission from the concerned investigating officer of the case.

In the event, the petitioner no.2 is found to have violated any of the above conditions or is found to be involved in other offences, the Investigating Officer shall be at liberty to apply for recall/cancellation of the interim bail granted to the petitioner.

So far as the petitioner no.1 is concerned, his prayer for a bail is rejected.

In terms of the above conditions, the Anticipatory Bail petition stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant