

GAHC010062822023



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

Case No. : AB/1077/2023

MD. SOLEMAN SK
S/O MD. ASHRAFUL ISLAM
R/O VILL- PIPULBARI PART-IV
P.S. MANKACHAR
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

19-04-2023

Heard Mr. B. Chowdhury, learned counsel for the petitioner. Also heard Ms. S.H. Borah, learned Additional Public Prosecutor, Assam.

This Anticipatory Bail petition has been filed by the petitioner, namely, Md.

Soleman Sk, who is apprehending his arrest in connection with Mankachar P.S. Case No.364/2022 corresponding to G.R. No.966/2022 registered under Sections 341/325/326/427/34 of the IPC.

By lodging the FIR dated 03.12.2022, the informant alleged that the informant's son and brother were assaulted by the persons named in the FIR including the petitioner. Consequent to the assault, the son and brother of the informant sustained grievous injuries and had to be referred to the hospital for proper treatment. Pursuant to the FIR being lodged investigation ensued. The petitioner was initially granted interim bail by the Court of Sessions Judge, South-Salmara, Mankachar vide order dated 21.12.2022 passed in Misc.(Crl.) Case no.232/2022. Subsequently, on the basis of the medical report issued by the treating doctor of the Apollo Excel Care Hospital, whereby the nature of injuries were shown to be grievous and life threatening, the interim bail granted to the petitioner was cancelled.

From the case diary, which was produced by the learned Additional P.P., it is seen that pursuant to the interim protection granted by the Court of Sessions Judge vide order dated 21.12.2022, the petitioner appeared before the IO and cooperated with the investigation and his statement has also been recorded.

Perusal of the case diary reveals that the statements of the victim as well as the some of the witnesses have been recorded. However, the matter is still under investigation.

The case diary also reveals the medical reports issued by the concerned medical officer before whom the patients were brought for treatment.

However, medical evidence is not supported by any medical report as may have been available during the process of diagnosis and treatment offered to

the victims.

Considering all the aspects of the matter, this Court is of the view that since the petitioner's statements have already been recorded and no materials to suggest that grant on interim bail will cause impediment in the investigation carried out by the police, the Court is of the view that the prayer for interim bail can be granted to the petitioner.

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 pre-arrest bail upon furnishing a bail bond of Rs.20,000/- (Rupees Twenty Thousand) with 1 (one) local surety of like amount to the satisfaction of the arresting authority, subject, of course to the following conditions:

- (i) That the petitioner shall appear before the investigating Officer within 7 (seven) days from today;
- (ii) That the petitioner shall not hamper or tamper with the investigation in any manner;
- (iii) That the petitioner 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 shall not change his residence without obtaining prior written permission from the concerned investigating officer of the case.

In the event, the petitioner 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.

Accordingly, the Anticipatory Bail Application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant