

GAHC010082092023



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

Case No. : AB/1410/2023

MOINUL HAQUE LASKAR AND ANR.
S/O LT. JOMIR ALI LASKAR R/O SAIDPUR PART V P.S. SILCHAR DIST.
CACHAR ASSAM

2: MOZIBUR RAHMAN LASKAR
S/O LT. JOMIR ALI LASKAR R/O SAIDPUR PART V P.S. SILCHAR DIST.
CACHAR ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR F A LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

09-06-2023

Heard Mr. F.A. Laskar, learned counsel for the petitioners. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam.

2] This Anticipatory Bail petition has been filed by the petitioners, namely, Moinul Hoque Laskar and Mozibur Rahman Laskar, who are apprehending their

arrest in connection with Silchar Police Station Case No.452/2023 (corresponding to G.R. Case No.818/2023) registered under Sections 447/294/436/ 34 of the IPC.

3] It is submitted that by lodging the FIR dated 06.03.2023 the informant made allegations against the petitioners that the petitioners were trying to forcibly occupy the land of the informant and on several occasions they had threatened her and her family to leave the said land. It is alleged that on 05.03.2023 the petitioners had set fire to her house, due to which the house of the informant completely burnt down along with furniture therein and other valuable articles worth of Rs. 2,55,000/-. The informant in the FIR has also alleged that she suffered losses to the tune of Rs.12,00,000/- due to the fire and accordingly, finding no other way, she lodged the FIR dated 06.03.2023 which was received and registered as Silchar Police Station Case No.452/2023 (corresponding to G.R. Case No.818/2023) registered under Sections 447/294/436/ 34 of the IPC.

4] Pursuant to the FIR, the investigation was carried out. Accordingly, the petitioners approached this Court apprehending their arrest and this Court by order dated 12.04.2023 while calling for case diary granted interim bail to the petitioners with certain terms and conditions.

5] The case dairy, as called for, has been produced and the same has been perused carefully.

6] Perusal of the case diary reveals that the investigation has been carried out, however, no charge-sheet has been filed against the petitioners till date. The statements of accused persons/petitioners have also been recorded as they had appeared before the Investigating Officer of the case in terms of the order dated 12.04.2023, whereby this Court had granted interim bail to the

petitioners.

7] From the case diary it is revealed that there is a long standing dispute between the informant and petitioner over the said particular plot of land. However, at this stage of investigation, there are no materials to suggest that the petitioners are responsible for the offences alleged in the FIR. No materials are in the case diary to suggest that the conditions mentioned in the order dated 12.04.2023 have been violated by the petitioners. No such materials are revealed from the case diary to suggest that the petitioner ought not to be granted the privilege of anticipatory bail.

8] Considering all of the above and also considering the absence of any materials to suggest that the grant of anticipatory bail at this stage of investigation will hamper the investigation of the case and also upon perusal of the case diary which does not reveal any materials to suggest that continuation of interim bail granted to the petitioner will hamper or impede the progress of the investigation which is being carried on, this Court is of the view that interim bail granted to the petitioners by the order dated 12.04.2023 can be made absolute.

9] Accordingly, the order dated 12.04.2023 is hereby made absolute on the same terms and conditions which are mentioned in the said order.

10] The anticipatory bail application is allowed and disposed of.

11] Return the case diary.

JUDGE

Comparing Assistant