

GAHC010085542023



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

Case No. : AB/1475/2023

EMDADUL HOQUE AND 4 ORS.
S/O LATE KAZIM UDDIN @ LATE RAZIM UDDIN
R/O VILL- SALMARA PART-I
KATHULIPARA
P.S. FAKIRGANJ
DIST. DHUBRI, ASSAM

2: MD. ABUL HUSSAIN
S/O SUKUR ALI FAKIR
R/O VILL- SALMARA PART-II
KATHULIPARA
P.S. FAKIRGANJ
DIST. DHUBRI, ASSAM

3: MD. MOYNUL HOQUE CHOUDHURY
S/OLATE JAKIM BOXO
R/O VILL- SALMARA PART-I
KATHULIPARA
P.S. FAKIRGANJ
DIST. DHUBRI, ASSAM

4: MD. IBRAHIM ALI
S/O LATE ELAHI BOXO
R/O VILL- SALMARA PART-I
KATHULIPARA
P.S. FAKIRGANJ
DIST. DHUBRI, ASSAM

5: MD. OSMAN ALI
S/O HASEN ALI SK.
R/O VILL- SALMARA PART-II
KATHULIPARA
P.S. FAKIRGANJ
DIST. DHUBRI

ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

01.09.2023

Heard Mr. B. Chowdhury, learned counsel for the applicants and also heard Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Fakirganj P.S. Case No.76/2013, under Sections 420/468/471/506/34 IPC, this application under Section 438 Cr.P.C. is preferred by 5(five) applicants, namely, Md. Emdadul Hoque, Md. Abul Hussain, Md. Moynul Hoque Choudhury, Md. Ibrahim Ali and Md. Osman Ali for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Rabiul Hussain on 08.05.2013. The essence of allegation made in the FIR is that the informant, who was working as Hindi Teacher since 11.03.1998 in Kathulipara Pre-Serious Madrasah, was wrongfully restrained in entering into the school in the year 2011, by the applicants and also prevented him from putting his signature in the attendance register and later on, obtaining document through RTI he came to know that the applicants had prepared one forged resignation letter showing that he had resigned from the post on 02.01.2006 and also prepared one money receipt with false and forged signature of the informant and now they are showing applicant No.4 Md.

Ibrahim Ali as the Hindi Teacher of the said Madrassa.

4. Mr. Chowdhury, learned counsel for the applicants submits that this Court was pleased to extend interim protection to the applicants vide order dated 27.04.2023, and pursuant to the said order, they appeared before the I.O. and their statements are also recorded by the I.O. and they have been cooperating with the investigating agency. Therefore, a prayer is being made to make the interim order dated 27.04.2023, absolute, in the same terms and conditions.

5. On the other hand, Mr. M.P. Goswami, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected some materials in support of the allegation made in the FIR. However, Mr. Goswami submits that the I.O. has examined several witnesses and also seized relevant documents of the case.

6. Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Goswami, learned Additional P.P.

7. It appears from the case diary that the applicants had appeared before the I.O. and their statements have been recorded. The case diary also indicates that substantial progress has been achieved in the investigation of the case by the I.O. Since the applicants have been extending cooperation with the investigating agency, their custodial interrogation seems to be not warranted here in this case and accordingly, this Court is inclined to make the interim order dated 27.04.2023 absolute, in the same terms and conditions.

8. In terms of above, this anticipatory bail application stands disposed of.

9. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant