

GAHC010101162023



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

**Case No. : AB/1682/2023**

TAJRUL ISLAM AND ANR  
S/O FOIRAJ UDDIN MAZUMDER,  
R/O VILL- SATKARAKANDI PT.II,  
P.S. SONAI, DIST. CACHAR, ASSAM

2: FAKRUL ISLAM MAZUMDER  
S/O FOIRAJ UDDIN MAZUMDER  
R/O VILL- SATKARAKANDI PT.II

P.S. SONAI  
DIST. CACHAR  
ASSA

VERSUS

THE STATE OF ASSAM  
TO BE REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. N H BARBHUIYA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**Date : 12.06.2023**

Heard Mr. N. H. Barbhuiya, learned Counsel appearing for the

petitioners. Also heard Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State of Assam.

2. By this application under Section 438 of Cr. P.C., the petitioners, namely, 1. Tajrul Islam Mazumder and 2. Fakrul Islam Mazumder are seeking Anticipatory Bail apprehending arrest in connection with an FIR lodged by the informant, which is registered as Sonai Police Station case No. 43/2023, registered under Sections 341/342/307/326/34 of IPC (corresponding to GR Case No. 1016/2023 under Cachar District).

3. It is submitted by the learned counsel for the petitioner that an FIR dated 22.03.2023 was lodged by the informant alleging that on 20.03.2023 at night at about 10.30 p.m the brother of the informant while going to the house of another relative was illegally obstructed and forcibly taken to the house of the accused persons named in the FIR and with intent to kill him tied him inside the house and assaulted the brother with sharp weapon causing serious injuries.

4. After hearing the hue and cry of the brother, the neighbouring people intimated the informant and upon reaching the house of the accused persons the brother was seen in an unconscious state. Thereafter the brother of the informant was taken to the hospital. On the way to the Hospital he was again followed by the accused persons and were sought to be assaulted again. However upon arrival of the police in the place of occurrence the accused persons fled

away. The brother of the informant was severely injured and is undergoing treatment at SMCH, Silchar.

5. This Court by earlier orders dated 12.05.2023 and 25.05.2023 had called for the case dairy along with Injury Report. The case dairy along with injury report has been produced before this Court by the learned Addl. P.P.

6. Upon perusal of the case dairy along with the injury report, it is seen that initially the petitioners were granted interim by the Court of Additional Sessions Judge (FTC), Cachar, Silchar and the statements of the petitioner have also been recorded by the Investigating Officer. Subsequently vide order dated 25.04.2023 upon perusal of the case dairy the interim bail granted was cancelled and the bail petition was dismissed.

7. Upon due perusal of the case diary, it is revealed that the investigation has been progressed in the matter. The statements of the petitioners have also been recorded. The injury sustained by the injured person is stated to be grievous in the injury report. No materials are seen in the case diary to the effect that further custodial detention of the petitioners are necessary for investigation in the matter. Their statements are already on record. No materials are also seen to suggest that any of the conditions granted by the Court during the currency of the interim bail, earlier granted, have been violated by the petitioner.

8. Considering all of the above, and also considering the

progress of the investigations carried on as well as the statements having already been recorded by the Investigating Officer, this Court does not find any reason for further custodial detention of the petitioners in the absence of any such materials to that effect.

9. This Court is of the view that the prayer for anticipatory bail by the petitioners can be granted. Accordingly, in the event of arrest of the petitioners in connection with the aforementioned case, the petitioners are released on a bail bond of Rs.30,000/- (Rupees thirty thousand) only each with one (1) local surety of like amount to the satisfaction of the Arresting Authority. The bail granted however, is subjected to the following conditions:-

1. That the petitioners shall appear before the Investigating Officer within 7(seven) days and co-operate in the investigation as and when required;
2. The petitioners shall not leave the territorial jurisdiction of the police station, without prior written permission from Officer-in-Charge, Sonai Police Station.
3. That the petitioners shall not hamper or tamper with the investigation in any manner; and
4. That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with

the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.

10. If any of the conditions are found to be violated by the petitioners, then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the petitioners.

11. Anticipatory bail petition is accordingly disposed of.

12. Return the Case Diary.

**JUDGE**

**Comparing Assistant**