

GAHC010104652023



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

Case No. : AB/1749/2023

RAFIQUL HUSSAIN @ RAFIKUL (BUBUL)
S/O LT. SAFIQR HUSSAIN @ SOFIKUL
VILL- AFTABUDDIN LANE
WARD NO. 10,
P.S. DHUBRI
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A T SARKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

23-05-2023

Heard Mr. A.T. Sarkar, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.

This Anticipatory Bail petition has been filed by the petitioner, namely, Rafiqul Hussain @ Rafikul (Rubul), who is apprehending his arrest in connection

with Dhubri P.S. Case No.131/2023 registered under Sections 457/380/436/34 of the IPC.

It is submitted by the learned counsel for the petitioner that an FIR dated 16.02.2023 was lodged by one Gul Afruja Begum and in the said FIR it was alleged that on 15.02.2023 at 2 am the 4 accused persons named in the FIR including the petitioner entered in to the informant's house and some items were stolen from her house in her absence and thereafter, the accused persons set her house fire. The fire was doused by the Fire Brigade which was informed by the neighbours. The informant was not aware about the incident because she was in Bangalore at the time of occurrence. She was informed about the incident by her neighbours. Upon her arrival at her home on 16.02.2023 from Bangalore, she found several household articles missing and it was suspected that those articles were stolen by the accused persons. It is submitted that the fire caused damage to the furniture as well as other valuable items in her house. In the FIR lodged, 4 persons who were suspected to have committed the offence were named as the accused persons including the petitioner. The learned counsel for the petitioner submits that the petitioner is not at all connected with any offence as alleged in the FIR. The informant has named him as an accused person at the behest of some other persons. As such, it is submitted that the petitioner may be granted Anticipatory Bail as prayed for.

This Court by order dated 19.05.2023 called for the case diary. The case diary, as called for, has been produced by the learned Addl. Public Prosecutor and this Court has perused the same.

The case diary reveals that various articles of the informant were damaged in the fire. However, perusal of the case diary does not reveal any such incriminating material against the petitioner at this stage of the investigation. No materials are available on the case diary to suggest that grant of the anticipatory bail may result in any impediment to the investigation carried on by the police in respect of the case.

Upon perusal of the case diary and upon hearing the learned counsel for the parties, this Court is of the view that the prayer for bail can be granted to the petitioner by allowing the Anticipatory Bail Application. 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.30,000/- (Rupees Thirty 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 10 (ten) 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 leave the jurisdiction of Dhubri Police Station 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 bail granted to the petitioner.

The Anticipatory Bail Application stands allowed.

Return the case diary.

JUDGE

Comparing Assistant