

GAHC010106372023



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

Case No. : Bail Appln./1731/2023

HASANUJ JAMAN MAZUMDER @ HASANUR JAMAN MAZUMDER AND 2
ORS
S/O LT. FAIJUR RAHMAN MAZUMDER R/O HAILAKANDI TOWN WARD NO.
2 P.S. AND DIST. HAILAKANDI ASSAM PIN 788151

2: ABDULLA AHMED BARBHUIYA @ ABDULLAH AHMED BARBHUIYA
S/O LT. ISAK ALI BARBHUIYA R/O HAILAKANDI TOWN WARD NO. 1 P.S.
AND DIST. HAILAKANDI ASSAM PIN 788151

3: INTAJ ALI BARBHUIYA @ IZAZ AHMED BARBHUIYA
S/O ABDUL NUR BARBHUIYA R/O HAILAKANDI TOWN WARD NO. 1 P.S.
AND DIST. HAILAKANDI ASSAM PIN 78815

VERSUS

THE STATE OF ASSAM REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H I CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
ORDER

Date : 18.05.2023

Heard Mr. A. S. Tapader, learned counsel for the petitioners. Also heard Mr. D.P. Goswami, learned APP appearing for the State.

2. The petitioners, who were arrested on 03.05.2023, is seeking regular bail under section 439 Cr.P.C. in connection with Hailakandi P.S. Case No.

90/2023, under sections 14/15 of the Assam Game and Betting Act, read with Section 333 of the IPC.

3. The learned APP has opposed the prayer for bail on the ground that the petitioner No. 1 had assaulted one police personnel, being UBC Samim Ahmed Laskar, while he was on duty.

4. In this bail application, learned counsel for the petitioners has projected that the marriage ceremony of the sister of petitioner No. 1 is going to be held on 25.05.2023, for which the photocopy of the invitation card has been annexed as Annexure-C. It is seen that there is no allegation of assault by the petitioner Nos. 2 and 3.

5. Considering the marriage ceremony of the sister of petitioner No. 1, being scheduled to be held on 25.05.2023, the Court is of the considered opinion that further custodial interrogation of the petitioners may not be necessary. Hence, the Court is inclined to grant bail to the petitioners, namely, (1) Hasanuj Jaman Mazumder @ Hasanur Jaman Mazumder, (2) Abdulla Ahmed Barbhuiya @ Abdullah Ahmed Barbhuiya, (3) Intaj Ali Barbhuiya, in connection with the aforesaid case on furnishing bail bond of Rs.50,000/- each with one suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Hailakandi.

6. Bail is granted on the following conditions:

I. The petitioners shall make themselves available to the police or any other investigating agency or Court in the present case as and when required.

II. The petitioners 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 Court or to any police officer or tamper with the evidence. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

III. The petitioners shall not obstruct the smooth progress of the investigation/trial.

IV. The petitioners shall not misuse their liberty in any manner.

V. The petitioners shall appear before the I/O within 15 (fifteen) days from the date of their release and they shall continue to appear till their appearance is dispensed with or charge-sheet is filed, whichever is earlier.

7. This application stands disposed of.

JUDGE

Comparing Assistant