

GAHC010109942023



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

Case No. : AB/1828/2023

SAKIRUL RAHMAN
S/O LATE SOHIDUR RAHMAN
R/O VILL- BURIGAON, P.O. GHANSIMULI
P.S. DALGAON, DIST. DARRANG, ASSAM-784115
PH -8876035228

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A KAKATI

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

13/06/2023

Heard Mr. A Kakati, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

The petitioner, namely, **Mr. Sakirul Rahman**, has filed this application under Section 438 Cr.P.C. seeking pre-arrest bail apprehending his arrest in **Dalgaon P.S. Case No. 193/2023**

registered under Sections 448/325/341/354/506/34 IPC corresponding to G.R. No. 824/2023.

One Dr. Amit Kr. Chaubey on 28.04.2023 submitted a written Ejahar before the Officer-in-Charge of Dalgaon Police Station stating that on 20.04.2023 around 7:45 PM, an employee of Dew Care Hospital was manhandled by the petitioner and injured him severely. In the said Ejahar, it is also stated that earlier the petitioner on 18.04.2023 in the evening also assaulted a lady nurse of the said hospital while she was proceeding towards the hospital for her work. The said Ejahar was registered as Dalgaon P.S. Case No. 193/2023 registered under Sections 448/325/341/ 354/506/34 IPC corresponding to G.R. No. 824/2023 against the petitioner.

Petitioner submitted that it is a counter FIR lodged against the petitioner as he earlier filed an FIR against the informant of the case on 20.04.2023 before the Dalgaon Police Station that was registered as Dalgaon P.S. Case No. 173/2023 under Section 304A IPC.

Mr. Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that the independent witnesses stated that the petitioner physically assaulted two of the employees of the said Dew Care Hospital.

Mr. Goswami, learned Additional Public Prosecutor, Assam from the case diary also submitted that injury report of the victims are not available in the case diary.

It is to be noted herein that the petitioner earlier admitted his father-in-law in said Dew Care Hospital on 18.04.2023 as he met with a road traffic accident and later shifted to Gauhati Medical College & Hospital, Guwahati from where he came to know that his father-in-law was not given the proper medical treatment for which his bleeding did not stop and later died due to loss of blood.

Considering the materials available in the case dairy, the Court is of the view that custodial interrogation of the petitioner, named above, is not warranted to investigate the said Dalgaon P.S. Case No. 193/2023. As such, this pre-arrest bail application of the petitioner is accepted.

Accordingly, in the event of arrest of the petitioner, namely, **Mr. Sakirul Rahman**, in said **Dalgaon P.S. Case No. 193/2023** registered under Sections 448/325/341/354/506/34 IPC, he shall be released on bail on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount to the satisfaction of the arresting authority, subject to the conditions that the petitioner shall - **(i)** appear before the concerned Investigating Officer of said Dalgaon P.S. Case No. 193/2023 **on or before 19.06.2023** and thereafter, as and when he is required for necessary investigation of the

case; **(ii)** not leave the territorial jurisdiction of said Dalgaon Police Station, without obtaining prior written permission from the concerned I/O of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** 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 officer.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, pre-arrest bail granted to him in said Dalgaon P.S. Case No. 193/2023 shall stand automatically vacated.

Return the case diary.

Accordingly, this pre-arrest bail application stands allowed to the extent above.

JUDGE

Comparing Assistant