

GAHC010116472023



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

Case No. : Bail Appln./1884/2023

AMIR HUSSAIN AND 2 ORS
S/O RIYAJ UDDIN R/O VILL. SATBOINIRTUP P.S. BARPETA ROAD DIST.
BARPETA ASSAM

2: ABUL HUSSAIN
S/O RIYAJ UDDIN AHMED R/O VILL. SATBOINIRTUP P.S. BARPETA ROAD
DIST. BARPETA ASSAM

3: BILAT HUSSAIN
S/O ABU SIDDIQUE R/O VILL. SATBOINIRTUP P.S. BARPETA ROAD DIST.
BARPETA ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR G U AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

01/06/2023

Heard Mr. G U Ahmed, learned counsel for the petitioners and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

This application under Section 439 Cr.P.C. has been filed by the petitioners, namely, **(1) Amir Hussain, (2) Abul Hussain and (3) Bilat Hussain**, seeking bail in connection with **Barpeta Road P.S. Case No. 56/2023** registered under Sections 143/147/148/447/341/325/354/427 IPC corresponding to G.R. No. 651/2023, wherein they were arrested on 25.04.2023 and since then they are in custody.

Perused the case diary placed before the Court today by Mr. M P Goswami, learned Additional Public Prosecutor, Assam.

On the basis of the specific information received vide G.D. Entry No. 681 dated 23.04.2023, the police personnel of Barpeta Road Police Station visited the place of occurrence at Satboinirtoop near Beki Weigh Bridge and on their arrival, they found that a group of miscreants assaulting two female with fist and blow and with bamboo and wooden stick, somehow those two female victims were rescued from the clutch of the miscreants and brought to the police station. During such assault, the accused persons involved in the case molested both the female victims and also caused grievous injuries on their persons. For their involvement in such assault, the petitioners along with others were arrested on 25.04.2023 in said Barpeta Road P.S. Case No. 56/2023 and in custody since then.

Mr. Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that as some of the accused persons involved in the case presumed that the victims are involved in the business of selling drugs and other such materials as they were found sitting in front of the concerned Dhaba taking drugs and thereby they not only assaulted both the females of the said Dhaba but also destroyed the articles of the said Dhaba.

On being enquired, Mr. Goswami, learned Additional Public Prosecutor, Assam submitted that the female victims sustained simple tissue injuries and the medical report of the victims does not show that the injuries are grievous in nature.

Mr. Ahmed, learned counsel for the petitioners also submitted that three other accused persons arrested with the present petitioners were already granted bail by this Court on 24.05.2023 in Bail Appln. No. 1723/2023.

Considering the above and the period of detention of the petitioners in custody since 25.04.2023, the Court is of the view that further custodial detention of the petitioners are not warranted to investigate the said Barpeta Road P.S. Case No. 56/2023. As such, this bail application of the petitioners in said Barpeta Road P.S. Case is accepted.

Accordingly, the petitioners, namely, **(1) Amir Hussain, (2) Abul Hussain and (3) Bilat Hussain**, be released on bail in said Barpeta Road P.S. Case No. 56/2023 registered under Sections 143/147/148/447/341/325/354/427 IPC corresponding to G.R. No. 651/2023 on furnishing a bail bond of Rs.30,000/- each, with 2 (two) local sureties each, of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Barpeta on conditions that the petitioners shall – **(i)** appear before the Investigating Officer of said Barpeta Road P.S. Case No. 56/2023 as and when they are required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Barpeta Road Police Station, without obtaining prior written permission from the concerned Investigating Officer 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 them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to them in the aforesaid Barpeta Road P.S. Case No. 56/2023 shall stand automatically vacated.

Return the case diary herewith.

Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant