

GAHC010121032023



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

**Case No. : AB/2000/2023**

SAMIDUL HOQUE AND 2 ORS  
S/O MONIR UDDIN  
R/O VILL- 103 NO. HATIMURA  
P.O. HASHDOBA, P.S. LAKHIPUR  
DIST. GOALPARA, ASSAM  
PIN-78319.

2: MONIR UDDIN  
S/O LT. MAFIJ UDDIN  
R/O VILL- 103 NO. HATIMURA  
P.O. HASHDOBA  
P.S. LAKHIPUR  
DIST. GOALPARA  
ASSAM  
PIN-783129

3: KUTUBUDDIN  
S/OLT. MAFIJ UDDIN  
R/O VILL- 03 NO. HATIMURA  
P.O. HASHDOBA  
P.S. LAKHIPUR  
DIST. GOALPARA  
ASSAM  
PIN-78312

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. M K HUSSAIN**  
**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**  
**ORDER**

**26-06-2023**

Heard Mr. M. Alom, learned counsel for the petitioners and Mr. M.P.Goswami, learned Additional Public Prosecutor, Assam for the State. Also heard Mr. A. Kalam, learned counsel for the informant.

By this application filed under Section 438 Cr.P.C., the petitioners, namely, (i) **Samidul Hoque**, (ii) **Monir Uddin** and (iii) **Kutubuddin** apprehending their arrest, are seeking pre-arrest bail in Lakhipur Police Station Case No. 149/2023 registered under Sections 120(B)/143/341/302 IPC, corresponding to G.R. Case No. 614/2023.

The petitioners are on interim bail in said Lakhipur P.S. Case No. 149/2023 since 07.06.2023.

As per the FIR of the case dated 02.05.2023, while both the deceased were coming to home from Lakhipur, the accused persons of the case forming a group obstructed their way and with regard to the land dispute between them, a commotion was taken place on the earlier part of the day. The accused persons assaulted one of the victims. Later, one of the FIR named accused, namely, Santosh Ali by using a sharp cutting weapon attacked the deceased Anowar Hussain on his abdomen and in the meantime, Rahul Rahman, son of said Anowar Hussain, came running to protect his father but he was also attacked by the sharp weapon of said Santosh Ali.

Though the other co-accused, i.e., the petitioners were present in the place of occurrence but did not stop said Santosh Ali to attack both of the victims, even they aided him to kill both of the deceased.

Perused the case diary as well as the statements of the witnesses so far recorded under Section 161 CrPC by the Investigating Officer of the case and the post-mortem reports of both of the deceased.

The evidence of the case so far recorded by the concerned Investigating Officer including the

statements of the eye-witnesses of the case that were recorded under Section 164 CrPC indicate that said Santosh Ali attacked the deceased Anowar Hussain by sharp cutting weapon on his head and inflicted injuries on his stomach and also inflicted injuries on the stomach of said Rahul Rahman by his sharp cutting weapon.

Considering the above and the materials available in the case diary, the Court is of the view that custodial interrogation of the petitioners is not warranted to investigate said Lakhipur P.S. Case No. 149/2023. As such, this pre-arrest bail application of the petitioners, named above, in said Lakhipur P.S. Case is accepted.

The petitioners, namely, (i) **Samidul Hoque**, (ii) **Monir Uddin** and (iii) **Kutubuddin** are already on interim bail in said Lakhipur P.S. Case No. 149/2023 granted to them earlier on 07.06.2023 and the same is hereby made absolute on the terms and conditions that the petitioners shall (i) appear before the Investigating Officer of Lakhipur P.S. Case No. 149/2023, **on every Monday during the 1<sup>st</sup> half of the office hours between 10:00 am to 02:00 pm in the week commencing from 10.07.2023 for the next 10 (ten) weeks** and thereafter, as and when they are required for necessary investigation of said Lakhipur P.S. Case No. 149/2023; (ii) not leave the territorial jurisdiction of the Lakhipur 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, (iv) not indulge in any kind of offences or criminal activities in future and (v) not, directly or indirectly, make any inducement, threat to anyone of the family members of the deceased persons or promise to any person 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, failing which, the interim pre-arrest bail granted to the petitioners in said Lakhipur P.S. Case No. 149/2023 shall stand automatically vacated.

With the above observation and directions, this pre-arrest bail application of the petitioners accordingly stands allowed to the extent above.

Return the case diary.

**JUDGE**

**Comparing Assistant**