

GAHC010136112023



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

Case No. : Bail Appln./2180/2023

MD MOTIUR RAHMAN
S/O LT. MAHBABUR RAHMAN R/O VILL. PIYALIKHATA P.O. AND P.S.
CHANGSARI DIST. KAMRUP ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27-06-2023

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

By this application under Section 439 CrPC the petitioner, namely, **Md. Motiur Rahman**, is seeking bail in connection with **Changsari Police Station Case No. 188/2023** corresponding to G.R. No. 688(K)/2023 registered under Sections 448/325/326/354/506/34 IPC, wherein he was

arrested on 10.06.2023 and is in custody since then.

As per the FIR of the case lodged by the complainant on 09.06.2023, while her husband was inspecting the construction of a boundary wall, the present petitioner with another accused person broke the boundary wall, entered into their premises and assaulted her husband as well as the complainant severely with sharp weapons for which she made hue and cry and seeing others, the accused persons fled away.

The complainant also stated in the FIR that the petitioner threatened that he will spoil the life of the daughter of the complainant.

Mr. Goswami, learned Additional Public Prosecutor, Assam from the Case Diary submitted that the Medical Report of the complainant and her husband reflects that there were minor injuries on them and that there was a commotion between the side of the petitioner and the side of the complainant relating to boundary dispute.

Considering the above and the period of detention of the petitioner since 10.06.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Changsari P.S. Case No. 188/2023. As such, this bail application of the petitioner in said Changsari P.S. Case No. 188/2023 is accepted.

Accordingly, the petitioner, namely, **Md. Motiur Rahman**, be released on bail in said Changsari P.S. Case No. 188/2023 on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup, Amingaon on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Changsari P.S. Case No. 188/2023 as and when he is required for necessary investigation of the case; (ii) not indulge in any such criminal activities in future; (iii) not, directly or indirectly, make any inducement, threat to the informant or any of her family members physically or mentally by himself or by his agent; (iv) not leave the territorial jurisdiction of the Changsari Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (v) not hamper with the investigation, or tamper with the evidence of the case and (vi) 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 him in the aforesaid Changsari P.S. Case No.

188/2023 shall stand automatically vacated.

Return the case diary herewith.

This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant