

GAHC010154432023



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

Case No. : AB/2458/2023

SOFIQL ISLAM AND 5 ORS
S/O- SHOHJOL HOQUE,
VILL- BHIMAPARA

2: MOHIJOL HOQUE

S/O- LATE SOLIMUDDIN SK
VILL- BHIMAPARA

3: MOMINUL ISLAM @MONU SK
S/O- LATE SOLIMUDDIN SK

VILL- BHIMAPARA

4: IDRISH ALI AHMED @LITON HOQUE
S/O- MOTIOR RAHMAN

VILL- CHARKANAIMARA

5: ABUL KALAM KHAN
S/O- LATE NAZIMUDDIN SK

VILL- BHIMAPARA

6: SAMIRUL ISLAM
S/O- KAYEM SK

VILL- SONAPUR

ALL ARE UNDER

P.S- SOUTH SALMARA

DIST- SOUTH SALMARA MANKACHAR
ASSAM
PIN-78313

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 01.08.2023

Heard Mr. L.R. Mazumdar, learned counsel for the petitioners. Also heard Mr. K.K. Das, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioners, namely, **1. Sofiqul Islam, 2. Mohijol Hoque, 3. Mominul Islam @ Monu Sk, 4. Idrish Ali Ahmed @ Liton Hoque, 5. Abul Kalam Khan and 6. Samirul Islam**, in connection with **South Salmara Police Station Case No. 202/2023**, registered under **Sections 147/148/325/326/307/354(B) IPC**.

The learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in this case. It is also submitted that the petitioners are the guardian of the Jatiya Bidyalaya and on the day of the incident, there was a general meeting and the police personnel were also present and as such,

it is not possible to attack the brother of the victim with sharp cutting weapon causing injuries to him. Learned counsel further submitted that regarding outraging modesty of the sister-in-law of the informant, which is also a false allegation. At this juncture, custodial interrogation of the petitioners are not required. Hence, benefit of pre-arrest bail be granted to the petitioners.

On the other hand, Mr. Das, learned Additional Public Prosecutor for the State has opposed in granting the privilege of pre-arrest bail to the petitioners. It is also submitted that there is an allegation against the petitioners that they had strangled the victim. However, it is seen from the injury report that the victim sustained simple injury caused by blunt object. Therefore, the prayer of the petitioners may not be considered at this stage.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary. It appears from the statement of the witnesses as well as the injury report of the victim that the victim sustained simple injuries caused by blunt object.

Considering the facts as well as the materials available in the case diary, this Court is of the view that custodial interrogation of the petitioners is not required, therefore, they are granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioners, named above, in connection with **South Salmar Police Station Case No. 202/2023**, registered **under Sections 147/148/325/326/307/354(B) IPC**, they shall be released on furnishing bail bond of **Rs.10,000/-** each with **a suitable surety** each of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioners:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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 the Court or to any police officer.

The anticipatory bail application stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant