

GAHC010169392023



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

Case No. : Bail Appln./2767/2023

SOFIKUL ISLAM
S/O- AINUL HOQUE, R/O- VILL- HAIDUBI (PASCHIMA), P.S. BATADROBA,
DHING, DIST. NAGAON, ASSAM, PIN- 782122

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. R GOSWAMI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 08.08.2023

Heard Mr. R. Goswami, learned counsel appearing for the accused petitioner as well as Mr. D. P. Goswami learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Sofikul Islam**, has prayed for grant of bail in connection with **Batadrava P.S. Case No.54/2022** registered under Sections **120B/121/143/144/145/149/152/153/155/326/307/333/342/353/427/436/440/447/450/34** of the IPC r/w

Sections **3/4** of Prevention of Damage to Public Property Act.

It is noticed that the accused petitioner has been in judicial custody since 21.09.2022, i.e. for 320 days.

The gist of the case is that on 21.05.2022, complainant, Lakhi Bora, ASI of Batadrava P.S., Nagaon lodged an FIR before the Officer-in-Charge, Batadrava P.S. to the effect that on that day, at about 3 p.m., around 200 people armed with deadly weapons like lathis, inflammable materials etc. led by some FIR named accused persons by forming an unlawful assembly trespassed into Batadrava P.S. The mob brought with them the dead body of one Safikul Islam and started attacking the police personnel on duty as well as set fire to the police station, vehicles, caused immense damage to public properties including arms and ammunitions, govt. registers and records like general case diaries, khatians, village crime note books, case diaries, seized priorities in the malkhana, cash and documents etc. Due to assault by the violent mob, some personnel sustained grievous injuries.

It is submitted that some of the co-accused persons have already been enlarged on bail vide orders, dated 27.02.2023 passed in B.A. Nos. 3370/2023 and 356/2023; orders, dated 03.05.2023 passed in B.A. No.1199/2023, 1214/2023 and 1356/2023.

Considering the entire aspects of the matter and the length of detention of the accused petitioner in judicial custody and also the fact that the similarly situated co-accused persons have already been granted bail by this Court, as noted above, this Court is of the considered opinion that further continuation of detention of the accused petitioner in the interest of trial of the case is not warranted.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.1,00,000/-** with 2(two) sureties of like amount to the satisfaction of the **learned Sessions Judge, Nagaon**, subject to the following conditions-

i) That the accused petitioner shall continue to appear before the learned trial Court on all dates to be fixed from time to time till the case is disposed of; and

ii) That the accused petitioner 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 Police Officer or the Court; and

iii) That the accused petitioner shall refrain from committing any similar offences in future, of which he is accused or suspected of commission.

Breach of any of the above conditions shall render cancellation of the bail in accordance with law.

This disposes of the bail application.

JUDGE

Comparing Assistant