

GAHC010169882022



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

Case No. : AB/2446/2022

NAZRUL ISLAM LASKAR
S/O IZAZUR RAHMAN LASKAR
R/O VILL- KHAPNARPAR, P.S. ALGAPUR
P.O. KALIBARI BAZAR, DIST. HAILAKANDI, ASSAM-788150

VERSUS

THE STATE OF ASSAM
THROUGH PP, ASSAM

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

22-06-2023

Heard Mr. M H Laskar, learned counsel for the petitioner and Mr. Bonkim Sharma, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 438 CrPC, the petitioner, namely, **Nazrul Islam Laskar**, has prayed for his pre arrest bail in Algapur Police Station Case No. 285/2020, registered under Sections 143/120(B)/353/294 IPC.

Perused the Case Diary produced before the Court today by Mr. Bonkim Sharma, learned Additional Public Prosecutor, Assam.

The Court earlier on 26.08.2022 granted interim bail to the petitioner.

However, the Case Diary which is up to 15.04.2023 reveals that the petitioner did not appear before the concerned I.O. of said Algapur P.S. Case No. 285/2020 till then, in spite of obtaining interim bail on 26.08.2022.

The petitioner stated that he is a Lawyer by profession and is falsely implicated in the case and that he has received notice under Section 41 A of CrPC during pendency of this pre-arrest bail application apprehending his arrest in said Algapur P.S. Case No. 285/2020.

The brief facts of the case is that one truck bearing Registration No. NL-01-AC-6258 was parked at the National Highway 154 at Algapur Tri-junction loaded with coal and was obstructing the vehicles playing on the road. Police searched for the driver of the vehicle, but he was not there. Later, a person claiming to be the owner of the truck reached the said area and the police asked him to produce the vehicle documents and Challan relating to the coal loaded in the truck. As he failed to produce the same, police wanted to take him to the police station and at that relevant point of time, people gathered there at the place of occurrence, assaulted the police personnel and taking advantage of that situation, the said vehicle loaded with coal fled away from the place of occurrence.

In the FIR, name of one Taz Uddin Laskar has been implicated being the owner of the said truck bearing Registration No. NL-01-AC-6258, noted above.

Case Diary reveals that during interrogation, said Taz Uddin Laskar named the petitioner as one of his companion during the said incident of obstructing the police personnel to do their work and assaulting them.

The petitioner namely, **Nazrul Islam Laskar**, is already on interim bail in said Algapur P.S. Case No. 285/2020 granted to him earlier on 26.08.2022 and the same is hereby made absolute on the terms and conditions that the petitioner shall – **(i)** appear before the Investigating Officer of said Algapur P.S. Case No. 285/2020 on 28.06.2023 and thereafter, on every Monday during the office hours from 10 AM to 1 PM for the next 10 (ten) weeks commencing from **10.07.2023** and thereafter, as and when he is required for necessary

investigation of the case; **(ii)** not leave the territorial jurisdiction of the Algapur 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)** he 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 them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Algapur P.S. Case No. 285/2020 shall stand automatically vacated.

Return the case diary herewith.

This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant