

GAHC010173792023



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

Case No. : Bail Appln./2795/2023

RIYAJUL ISLAM AND 3 ORS
S/O- LATE AHUD ALI, VILLAGE- ADAKHUNDA,
P.S. JURIA, DISTRICT- NAGAON (ASSAM),
PERMANENT ADDRESS- VILLAGE- NO.1 AHMEDPUR,
P.S. BIHPURIA, DISTRICT- LAKHIMPUR (ASSAM)

2: MD. AJIJUR @ AJIMUDDIN
S/O- LATE MUSA MIYA
VILLAGE- NO.1 AHMEDPUR
P.S. BIHPURIA
DISTRICT- LAKHIMPUR (ASSAM)

3: NUR MOHAMAD ALI @ KALIA
S/O- ISMAIL ALI
VILLAGE- GOHAINPUKHURI
P.S. BIHPURIA
DISTRICT- LAKHIMPUR (ASSAM)

4: MOZIBUR ROHMAN
S/O- JAINAL ABDIN
VILLAGE- NO.2 ISLAMPUR
P.S. BIHPURIA
DISTRICT- LAKHIMPUR (ASSAM)

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 14.08.2023

Heard Mr. H. R. A. Choudhury, learned Senior counsel, assisted by Mr. A. M. Ahmed, learned counsel for the petitioners.

This application under Section 439 of the Code of Criminal Procedure has been filed by the petitioners, namely, (1) Riyajul Islam, who was arrested on 26.05.2023, (2) Md. Ajijur @ Ajimuddin, who was arrested on 29.05.2023, (3) Nur Mohamad Ali @ Kalia, who was arrested on 31.05.2023 as well as (4) Mozibur Rohman, who was arrested on 02.06.2023 in connection with North Lakhimpur P.S. Case No. 183/2023, u/s 120(B)/395/397/342/387 of the IPC, corresponding to CBI Case No. RC05020230S0 003/CBI/SC.II/ND.

The accusation in this case is that on 12.05.2023, one Musst. Amina Khatun, lodged an FIR, before Officer-in-Charge of North Lakhimpur Sadar Police Station, inter-alia, stating that the accused persons, namely, one Junmoni Rabha, SI of Police and seven others named in the FIR, including the present petitioners, had on 06.05.2023 at about 2:00 A.M. entered into the house of informant and assaulted the son of the informant namely, Azgar Ali and forcefully took him along with them and also took Rs. 80,000/-, Voter ID, PAN Card or golden ornaments from her residence. They also took one Maruti Breeza Car belonging to the informant's elder son, Md. Abu Taleb. It is further alleged in the FIR that later on, the accused persons asked the informant over telephone to bring Rs. 6,00,000/-(Rupees Six Lakhs) at the Arunachal bypass near Gohpur to get the release of the son of the informant. Accordingly, the

informant collected the required amount and paid the said money to the accused no. 1. It is also stated in the FIR that out of the total amount of Rs. 6,00,000/- (Rupees Six Lakhs), an amount of Rs. 90,000/-(Rupees Ninety Thousand) was paid online to the petitioner no.1, Riyajul Islam, to his UPI Id. Later on, the accused persons threatened the son of the informant not to discuss about the incident otherwise, he would be implicated in a false case. On receipt of the said FIR North Lakhimpur P.S. Case No. 183/2023 was registered and the Circle Inspector of Laluk Circle was entrusted with the investigation of the said case.

Learned senior counsel for the petitioners has submitted that the earlier bail application, which was filed by the present petitioners, was rejected on 27.03.2023 by this Court and this instant bail application is primarily moved on the ground of length of time, which has been lapsed since the rejection of the earlier bail application. Learned senior counsel has also submitted that in the meantime, the co-accused persons have already been released on bail and on the ground of parity, he also prayed for bail.

On the other hand, learned Special Public Prosecutor submits that the present petitioners stand is on different footing as there are specific allegations of their involvement in this case and they should not be treated at par with the accused persons, who have already been granted bail by this Court.

Learned Special Public Prosecutor has also submitted that though the investigation has progressed, however, considering the materials against the present petitioners, he opposed the prayer for bail.

I have considered the submission made by the learned counsel for both the sides as well as perused the materials available on the case diary, including

the case diary connected with the CBI case. Though 21 days lapsed since the rejection of the earlier bail application, however, considering the nature of incriminating materials available against the present petitioners, this Court is not inclined to give the benefit of bail to the present petitioners. Hence, the prayer for bail stands rejected.

Return the case diary.

Accordingly, this bail application stands disposed of.

JUDGE

Comparing Assistant