

GAHC010178842023



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

Case No. : AB/2874/2023

ASADUL ALOM LASKAR @ ASHADUL ALOM LASKAR @ IMRAN
S/O LATE FAIJUL HOQUE LASKAR
VILL- DAKHIN MOHANPUR PART- VII
P.S. SONAI, P.O. DAKHIN MOHANPUR
DIST. CACHAR, ASSAM, PIN-788119

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 01.09.2023

Heard Mr. A. S. Tapadar, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State.

This anticipatory bail application has been preferred under Section 438 of Code of Criminal Procedure, 1973, by the present petitioner, namely, Asadul Alom Laskar @ Ashadul Alom Laskar @ Imran, praying for grant of pre-arrest bail to the petitioner, who is apprehending arrest in connection with Sonai P. S. Case No. 107/2023 under Sections

326/307 of the Indian Penal Code corresponding to G.R. Case No. 2355/2023.

The accusation in this case is that on 10.07.2023, one Abdul Hoque Laskar lodged an FIR before the Officer-in-Charge of Sonai Police Station, *inter-alia*, alleging at about 9.00 PM his nephew Ashraf Kalam Azad Laskar (Sajib) was called out from his shop by the present petitioner and he was assaulted by the present petitioner with an intention to kill him.

It is also stated that the nephew of the first informant was assaulted by a knife on his neck causing serious injuries on his person.

On receipt of the said FIR, Sonai P. S. Case No. 107/2023 was registered.

Learned counsel for the petitioner has submitted that the allegation against him in the FIR has been fabricated and concocted and he submits that there is a political rivalry between the present petitioner and the victim's uncle and, therefore, he has been falsely implicated in this case. It is also submitted that he is ready to co-operate with the Investigating Officer under any condition imposed by this Court.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Sonai P. S. Case No. 107/2023 and has submitted that on perusal of the injury report, which is available in the case diary, it appears that the victim Ashraf Kalam Azad Laskar (Sajib) suffered simple injuries caused by sharp weapon.

It is also submitted that the Investigating Officer has, in the meanwhile, recorded the statement of most of the relevant witnesses and the investigation has progressed. It is also submitted that there are incriminating material against the present petitioner in the case diary.

I have considered the submissions made by learned counsel for the parties as well as perused the materials available on record including the case diary.

Though, the allegation against the present petitioner is that he has caused serious injuries on the person of the victim namely, Ashraf Kalam Azad Laskar (Sajib), the injury report shows that the injury sustained by the victim is simple in nature, though caused by sharp weapon. Moreover, considering the fact that the petitioner is willing to co-operate in the investigation and otherwise the investigation has fairly progressed, this Court is of considered opinion that custodial detention of the present petitioner may not be necessary for fair completion of Sonai P. S. Case No. 107/2023, if he co-operates in the investigation.

In view of the above, the petitioner, namely, Asadul Alom Laskar @ Ashadul Alom Laskar @ Imran is hereby directed to appear before the Investigating Officer of Sonai P. S. Case No. 107/2023 within a period of ten days from the date of this order and co-operate with the Investigating Officer in fair completion of investigation and if he does so, within the stipulated period of time, in the event of his arrest in connection with Sonai P. S. Case No. 107/2023, he shall be allowed to go on bail on furnishing of

bail bond of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the arresting authority with the condition that the petitioner shall co-operate in the investigation of this case.

With the above observation, this anticipatory bail application is disposed.

Send back the case diary.

JUDGE

Comparing Assistant