

GAHC010181492023



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

Case No. :AB 2864/2023

RIAZUL ISLAM @ HOQUE AND 17 ORS.
S/O SORHAB ALI

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

2: SORHAB ALI BEPARI
S/O LATE MIHAR SK

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

3: BAHEZ ALI
S/O LATE MIHAR SK

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

4: MOTIUR RAHMAN
S/O BAHEZ ALI

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

5: SHAHIDUR
S/O BAHEZ ALI

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

6: SAMSUL HOQUE
S/O BAHEZ ALI

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

7: MUKTADUR ISLAM @ HUSAIN
S/O SORHAB ALI

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

8: IMDADUL ISLAM @ IMSADUL
S/O SORHAB ALI

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

9: NAYEB ALI SK @ NAIB ALI
S/O RAHMAN ALI

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

10: KORMAT ALI
S/O LATE MONU SK.

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

11: ZIAUR RAHMAN @ JIAUL HOQUE
S/O NAYOB ALI SK

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

12: PASHAN ALI
S/O LATE MONU SK.

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

13: SOMESH ALI
S/O MONTU SK

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

14: ZAHANGIR ALOM @ JAHANGIR ALI
S/O SOMESH ALI

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

15: MONNAF ALI
S/O LATE HUSSAIN ALI

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

16: LOKMAN ALI
S/O LATE HUSSAIN ALI

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

17: REZIA KHATUN
W/O MONNAF ALI

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.

18: FARID SK
S/O NURZAMAL MUNSHI

VILL.- PAIKARKANDI
P.S.- SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM.
VERSUS

THE STATE OF ASSAM
REP. BY LEARNED P.P.
ASSAM.

Advocate for : MR. M ISLAM
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 01-09-2023

1. Heard Mr. M Islam, learned counsel for the applicants. Also heard Mr. D Das, learned Addl. PP, Assam.
2. The applicants, namely, (1) Riazul Islam @ Hoque (2) Sorhab Ali Bepari, (3) Bahez Ali (4) Motiur Rahman, (5) Shahidur (6) Samsul Hoque (7) Mukhtadur Islam @ Husain, (8) Imdadul Islam @ Imdadul, (9) Nayeb Ali Sk @ Naib Ali, (10) Kormat Ali, (11) Ziaur Rahman @ Jiaul Hoque, (12) Pashan Ali, (13) Somesh Ali, (14) Zahangir Alom @ Jahangir Ali, (15) Monnaf Ali, (16) Lokman Ali, (17) Rezia Khatun, (18) Farid Sk who are

apprehending arrest in connection with Sukchar P.S. Case No. 194/2023, under sections 144/ 448/ 455/ 325/380 I.P.C. with added sections 147/148/149 and 326/307 IPC have filed this application under section 438 Cr.P.C., for pre-arrest bail.

3. Having Gone through the Case Diary produced by the learned Addl. P.P., this Court is of the opinion that on the basis of materials so far collected, the applicants **Nos.6, 7, 8, 11, 13, 14, 16, 17 and 18 namely, (2) Sorhab Ali Bepari, (6) Samsul Hoque (7) Muktadur Islam @ Husain, (8) Imdadul Islam @ Imdadul, (9) Nayeb Ali Sk @ Naib Ali, (10) Kormat Ali, (11) Ziaur Rahman @ Jiaul Hoque, (13) Somesh Ali, (14) Zahangir Alom @ Jahangir Ali, (16) Lokman Ali, (17) Rezia Khatun, (18) Farid Sk** have made out a good case for granting them pre-arrest bail in as much as considering the stage of the investigation, in the opinion of this Court, no custodial interrogation shall be necessary.

4. As such, this Anticipatory Bail Application is hereby disposed of by providing that in the event of arrest in connection with the aforementioned case, the applicants, namely **(2) Sorhab Ali Bepari, (6) Samsul Hoque (7) Muktadur Islam @ Husain, (8) Imdadul Islam @ Imdadul, (9) Nayeb Ali Sk @ Naib Ali, (10) Kormat Ali, (11) Ziaur Rahman @ Jiaul Hoque, (13) Somesh Ali, (14) Zahangir Alom @ Jahangir Ali, (16) Lokman Ali, (17) Rezia Khatun, (18) Farid Sk** shall be released on bail on furnishing a bond of Rs.30,000/- each with one local surety of the like amount to the satisfaction of the arresting authority subject to the condition that:

I. The applicants 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/her from disclosing such facts to the Court

or to any police officer.

II. The applicants would render full cooperation with the investigation of the case;

III. The applicants shall not leave the territorial jurisdiction of the concerned I.O. without prior intimation.

IV. The applicants shall appear before the IO of the concerned PS within 10 days

5. Upon perusal of the case diary, this court is of the view that no custodial interrogation shall be required inasmuch as the applicant No.2 is concerned. The applicant No.2, namely, Sorhab Ali Bepari has co-operated with the investigating agency. Accordingly, the interim order dated 17.08.2023 granting interim bail to the applicant No.2, namely, **Sorhab Ali Bepari** is hereby made absolute under the same terms and condition.

5 So far as the applicant Nos. (1) Riazul Islam @ Hoque (3) Bahez Ali (4) Motiur Rahman, (5) Shahidur (9) Nayeb Ali Sk @ Naib Ali, (10) Kormat Ali, (12) Pashan Ali, (15) Monnaf Ali are concerned, their bail application stands rejected at this stage considering the materials available at the case diary and the interim bail granted to the applicant Nos.(3) Bahez Ali and (15) Monnaf Ali vide order dated 17.08.2023 stands vacated.

6 The pre-arrest bail application stands disposed off.

7 Send back the case diary.

JUDGE

Comparing Assistant