

GAHC010196272023



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

Case No. : AB/3117/2023

NUR JAMAL HOQUE @ NUR JAMAL SK
S/O AYNAL SHEIKH @ ANOWAR HUSSEIN
VILL- CHHAGOLIA PART-I
P.S. GOLAKGANJ
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A T SARKAR
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

14.09.2023

Heard Mr. A.T. Sarkar, learned counsel for the applicant and Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Golakganj P.S. Case No. 1497/2019**, under Sections 379/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by accused/applicant, namely, **Nur Jamal Hoque @ Nur Jamal Sk.** for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged by

one Saifur Rahman and Saha Alom, on 25.12.2019. The essence of allegations made in the FIR is that on 23.12.2019, at about 5 pm, they have purchased 6 nos. of cattle from Tufanganj market and on their way to home some accused persons namely, Ajit Mondal; Jakir Hussain; Nur Jamal Sheikh [the present applicant]; Mijanur Sheikh; Nur Hussain Sheikh; and Rafiquel Sheikh have forcefully taken away the cattle from them.

4. Mr. Sarker, learned counsel for the applicant submits that the applicant is the friend of the other co-accused persons and he is no way involved with the offence alleged in the FIR and that the matter has already been settled between the parties. Mr. Sarkar further submits that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Ms. Das, learned Additional Public Prosecutor, opposed the bail petition and prayed for calling the case diary to ascertain the veracity of the allegation made against the applicant.

6. Having heard the submissions of learned Advocates of both sides, I have carefully perused the petition and the documents placed on the record.

7. It appears that the case was registered in the year 2019 and since then IO got sufficient time for investigation of the case. Having regards to above and also having regards to the nature of accusation and the punishment prescribed for the same as well as the submission of learned Advocates of both side, this Court is inclined to extend protection to the applicant, as his custodial interrogation seems to be not warranted herein this case, in the interest of investigation.

8. Accordingly, it is provided that in the event of arrest of the applicant, in connection with **Golakganj P.S. Case No. 1497/2019**, under Sections 379/34 of the IPC, he shall be enlarged on interim pre-arrest bail on executing a bond of Rs. 50,000/- only with one surety of like amount to the satisfaction of the arresting authority.

9. The above privilege is, however, subject to the following conditions:

(i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) that the applicant 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 Court or to any police officer; and

(iii) that the applicant shall not leave the jurisdiction of the learned **CJM, Dhubri**, without prior permission.

10. In terms of above, this AB stands disposed of.

JUDGE

Comparing Assistant