

GAHC010212632023



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

Case No. : AB/3260/2023

ABDUL JALIL AND ANR
S/O LATE NAKKU MONDAL
R/O VILL- TARANGAJHAR
P.O. JAMADARHAT
P.S. FAKIRGANJ
DIST. DHUBRI, ASSAM
PIN-783330

2: MD. EUSOF ALI
S/O ABDUL JALIL
R/O VILL- TARANGAJHAR
P.O. JAMADARHAT
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-78333

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

30.11.2023

Heard Mr. H. Ali, learned counsel for the petitioners. Also heard Mr. B. Sharma, learned Additional Public Prosecutor, appearing for the State of Assam, who has produced the case diary of Fakirganj P.S. Case No. 106/2023, which was called for in connection with this case.

Learned counsel for the petitioners has submitted that the petitioner, namely, Abdul Jalil, who is the petitioner No. 1 in this case, was granted interim anticipatory bail by this Court on 18.10.2023, and in pursuant to the directions of this Court, the petitioner No. 1, namely, Abdul Jalil, has appeared before the Investigating Officer and has co-operated in the investigation.

On the other hand, learned Additional Public Prosecutor has submitted that from the injury report, which is available in the case diary, it appears that the victim in this case had sustained injuries which are simple in nature caused by blunt objects and it is also submitted that the petitioner No. 1, namely, Abdul Jalil, has appeared before the Investigating Officer.

Considering the fact that the petitioner No. 1 has complied with the directions of this Court and has co-operated in the investigation, the interim anticipatory bail granted to him by order dated, 18.10.2023 is hereby made absolute with a condition that he shall continue to co-operate in the investigation and shall appeared before the Investigating Officer as and when so required for the sake of fair completion of the investigation.

On the other hand, considering the fact that the injured in this case has sustained only simple injuries caused by blunt object and also considering the

fact that the investigation has fairly progressed, custodial detention of the other co-accused Md. Eusof Ali may not be required for fair completion of the investigation if he co-operates in the investigation.

Hence, petitioner No. 2, namely, Md. Eusof Ali is hereby directed to appear before the Investigating Officer of Fakirganj P.S. Case No. 106/2023 within a period of 10(ten) days from the date of this order and co-operate in the investigation.

If he does so, within the stipulated period of time, in the event of his arrest in connection with Fakirganj P.S. Case No. 106/2023, he shall be allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the conditions that:-

(i) the petitioner shall not directly or indirectly make any inducement threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court; and

(ii) the petitioner shall co-operate in the investigation.

With the above observation, this bail application is hereby disposed of.

Send back the case diary.

JUDGE

Comparing Assistant