

GAHC010224262023



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

Case No. : Bail Appln./3564/2023

MOFIJUL HOQUE @ MOFIZUL HOQUE AND 2 ORS
S/O LT. BABULAL SK., R/O BANGALIPARA PT-I, P.S.-BILASIPARA, DIST-
DHUBRI, ASSAM

2: NASIR ALI
S/O LT. LASKAR ALI
R/O BANGALIPARA PT-I
P.S.-BILASIPARA
DIST-DHUBRI
ASSAM

3: MAHEDI ISLAM @ MAHIDI ISLAM
S/O ABUL HUSSAIN
R/O BANGALIPARA PT-I
P.S.-BILASIPARA
DIST- DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 17.11.2023

Heard Mr. S. Munir, learned counsel for the petitioners and Mr. Ranjan Jyoti Baruah, learned Addl. Public Prosecutor for the State respondent. Also heard Mr. M. Ahmed, learned counsel for the informant.

This is an application under Section 439 Cr.P.C., filed by the petitioners, namely (1) Mofijul Hoque @ Mofizul Hoque, (2) Nasir Ali and (3) Mahedi Islam @ Mahidi Islam, seeking bail who were arrested on 24.09.2023 in connection with Bilasipara P.S. Case No. 391/2022 under Sections 143/325/326 IPC subsequently added 302 IPC.

It is submitted by the learned counsel for the petitioners that the petitioner No. 3 namely Mahedi Islam @ Mahidi Islam was enlarged on interim bail after perusal of the case diary due to death of his father and his interim bail may be made absolute.

It is also submitted that the petitioners were arrested on 24.09.2023 on the basis of the video footage collected by the Investigating Officer during investigation and at present the petitioner Nos. 1 and 2 have been in custody for last 54 days. It is not denied by the learned counsel for the petitioners that the petitioners were present in the spot as they are the local persons and had attended the public meeting. It is true that the petitioners were present in the spot but it is not specifically mentioned in the FIR that they had inflicted injury sustained by the victim. Under such backdrop, the petitioners may be released on bail.

On the other hand, the learned Addl. PP has submitted that although

substantial part of investigation has already been completed but further investigation is going on to arrest the other accused persons.

Case diary is received and perused.

I have considered the submissions of the learned counsel for both the parties. Considering the period of detention, this Court is of the view that further custodial interrogation of the petitioner Nos.1 and 2 may not be required for the purpose of interrogation of the case.

Accordingly, it is directed that the accused/ petitioner No. 1 and 2 namely Mofijul Hoque @ Mofizul Hoque and Nasir Ali above named be released on bail in connection with Bilasipara P.S. Case No. 391/2022 under Sections 143/325/326 IPC subsequently added 302 IPC on furnishing bond of Rs. 30,000/- (Rupees thirty thousand) each with 2 (two) suitable sureties each of like amount to the satisfaction of the learned SDJM (M), Bilasipara.

It is made clear that the interim bail granted to the petitioner No. 3 namely Mahedi Islam @ Mahidi Islam is made absolute.

The direction for bail is further subject to the conditions that the accused-petitioner Nos. 1, 2 and 3:

- (a) shall not leave the territorial jurisdiction of the learned learned SDJM (M), Bilasipara, without prior written permission from him/ her;
- (b) shall not hamper with the investigation and tamper with the evidence of the case; and
- (c) 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.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant