

GAHC010225572022



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

**Case No. : AB/3289/2022**

JAHIDUL ALI @ JAHIDUL HOQUE  
S/O FAKHRO ALI  
VILL- HIRAJANI,  
P.S. HAJO  
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR A N AHMED**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 20-01-2023**

Heard Mr. A.N. Ahmed, learned counsel for the petitioner and Mr. M.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 438, Code of Criminal Procedure, 1973

[CrPC], the petitioner viz. Jahidul Ali @ Jahidul Hoque has approached this Court seeking the benefit of pre-arrest bail, apprehending his arrest, in connection with Hajo Police Station Case no. 982/2022, registered for offences punishable under Sections 341/325/307, Indian Penal Code [IPC].

3. In the First Information Report [FIR], allegation against the petitioner is to the effect that he assaulted the victim on his head by a wooden stick, which resulted in nine stitches on the head of the injured.

4. The concerned case diary has been produced by the learned Additional Public Prosecutor. As per the injury report, the victim had suffered simple injury and the injury was opined to be caused by blunt object.

5. The petitioner was provided interim protection by order dated 20.12.2022 with a further direction to him to appear before the Investigating Officer [I.O.] of the case within 7 [seven] days from 20.12.2022. The learned petitioner has submitted that in deference to the order dated 20.12.2022, the petitioner has appeared before the I.O. of the case and his appearance before the I.O. of the case has been duly noted.

6. Mr. Goswami, learned Additional Public Prosecutor has not objected to the said submission.

7. Having regard to the fact that the injury sustained by the victim was simple in nature and considering the fact that the petitioner has already appeared before the I.O. of the case and, thereby, joined the investigation, this Court is of the considered view that custodial interrogation of the petitioner for the purpose of carrying out further investigation of the case is not necessary and his release on pre-arrest bail, at this stage of investigation, is not likely to bring any adverse effect in the further investigation of the case, provided he

continues to extend his assistance and co-operation in the further investigation of the case.

8. Accordingly, the interim protection granted to the petitioner by order dated 20.12.2022, is made absolute, subject to the following conditions :

- [i] the petitioner shall co-operate with the investigation and make himself available for interrogation whenever required by the Investigating Officer (I.O.) of the case;
- [ii] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- [iii] the petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- [iv] the petitioner shall maintain law and order and he shall not commit an offence similar to the offence of which he is accused, or of the commission of which he is suspected; and
- [v] the petitioner shall regularly remain present during the trial and co-operate the Court to complete the trial for the above offences, if charge sheeted in the case.

9. The bail application stands disposed of in the aforesaid terms.

**JUDGE**

**Comparing Assistant**