

GAHC010248102023



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

Case No. : AB/3719/2023

MAFIJUR RAHMAN AND 2 ORS
S/O ABDUL MOTIN
A RESIDENT OF VILL- KHETASWAR
P.O. AND P.S. KHARUPETIA
DIST. DARRANG, ASSAM

2: NAJRUL ISLAM
S/O ABDUL MOTIN
A RESIDENT OF VILL- KHETASWAR
P.O. AND P.S. KHARUPETIA

DIST. DARRANG
ASSAM

3: HASHEM ALI
S/O ABDUL BEPARI
A RESIDENT OF VILL- KHETASWAR
P.O. AND P.S. KHARUPETIA
DIST. DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. M A I HUSSAIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 22.12.2023

Heard Mr. M.A.I. Hussain, learned counsel for the petitioners. Also heard Ms. A.Begum, learned Additional Public Prosecutor for the State. Mr. A.A.R.Karim, learned counsel appears for the informant.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioners, namely, **1.Mafijur Rahman, 2. Najrul Islam and 3. Hashem Ali**, in connection with **Kharupetia P.S. Case No. 201/2023**, registered under **Sections 341/294/326/307/34** of the IPC.

Case diary is received.

The allegation in the FIR reveals that on 15.10.2023, when the elder brother of informant entered the clothing store of one Akkas Ali situated at Asintola, the present petitioners quarreled with him and abused him in obscene language and punched on his face and stabbed in his chest causing grievous injury.

It is submitted by the learned counsel for the petitioners that the petitioners are no way involved in the alleged offence and they are falsely implicated in this case.

On the other hand, learned Addl.P.P. submits that injury report of the victim is available in the case diary and as per the injury report, it is not mentioned whether the injury sustained by the victim is simple or grievous. It is further seen that medical report of victim does not show when the victim was examined. The incident occurred on 15.10.2023 and below the signature of the Medical Officer, the date is mentioned as 31.10.2023. Apparently, it appears that offence falls under Section 325 IPC which is bailable in nature and so pre-arrest bail may be considered.

The learned counsel for the informant filed an affidavit along with some medical documents of GMCH wherein the CT Scan report of the victim is not available.

I have considered the submissions made by the learned counsel for the parties. I

have also perused the case diary.

Considering the facts as well as the materials available thereon, this Courts finds that custodial interrogation of the petitioners is not required for the purpose of investigation of the case. Therefore, they are granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioners, named above, in connection with the aforementioned case, they shall be released on furnishing bail bond of **Rs.20,000/- each** with **a suitable surety each** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioners:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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.

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant