

GAHC010265272022



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

Case No. : AB/3808/2022

MAYNAL HOQUE AND 12 ORS
S/O LATE BUJURU SK. @ KASURUDDIN
R/O VILL- BANGALIPARA PART-I, P.O. BILASIPARA, P.S. BILASIPARA, DIST.
DHUBRI, ASSAM

2: SAHINUR ISLAM @ SAHINUR HOQUE
S/O MAYNAL HOQUE
R/O VILL- BANGALIPARA PART-I
P.O. BILASIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

3: KOHINUR ISLAM
S/O MOYNAL HOQUE
R/O VILL- BANGALIPARA PART-I
P.O. BILASIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

4: AMZAD ALI
S/O LATE MAJIJ ALI @ MOHIJ ALI
R/O VILL- BANGALIPARA PART-I
P.O. BILASIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

5: MAFIJUL ALI @ MAFIJUL ISLAM
S/O AMZAD ALI @ AMJAD ALI
R/O VILL- BANGALIPARA PART-I
P.O. BILASIPARA
P.S. BILASIPARA

DIST. DHUBRI
ASSAM

6: ENTAZ ALI @ ANTAZ ALI
S/O LATE ISLAMUDDIN SK.
R/O VILL- BANGALIPARA PART-I
P.O. BILASIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

7: ASKAR ALI
S/O JAMAD ALI
R/O VILL- BANGALIPARA PART-I
P.O. BILASIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

8: RAJU ALI
S/O JAMAD ALI
R/O VILL- BANGALIPARA PART-I
P.O. BILASIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

9: AZGAR ALI @ AJGOR ALI
S/O JAMAD ALI
R/O VILL- BANGALIPARA PART-I
P.O. BILASIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

10: MOZIBAR RAHMAN
S/O LATE FEKATU SK.
R/O VILL- BANGALIPARA PART-I
P.O. BILASIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

11: ZAKIR HUSSAIN
S/O MOZIBAR RAHMAN
R/O VILL- BANGALIPARA PART-I
P.O. BILASIPARA
P.S. BILASIPARA

DIST. DHUBRI
ASSAM

12: MOMINUR HUSSAIN @ MONOR ALI
S/O SATTAR HUSSAIN @ SATTAR ALI
R/O VILL- BANGALIPARA PART-I
P.O. BILASIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

13: SATTAR HUSSAIN @ SATTAR ALI
S/O SABUR ALI
R/O VILL- BANGALIPARA PART-I
P.O. BILASIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25-01-2023

Heard Mr. M. Khan, learned counsel for the petitioners namely, (1) Maynal Hoque (2) Sahinur Islam @ Sahinur Hoque (3) Kohinur Islam (4) Amzad Ali (5) Mafijul Ali @ Mafijul Islam (6) Entaz Ali @ Antaz Ali (7) Askar Ali (8) Raju Ali (9) Azgar Ali @ Ajgor Ali (10) Mozibar Rahman (11) Zakir Hussain (2) Mominur Hussain @ Monor Ali (13) Sattar Hussain @ Sattar Ali and Mr. B. Sharma, learned Addl. P.P. for the State

respondent.

The petitioners have filed an application under Section 438 Cr.P.C. with prayer for pre-arrest bail as they are apprehending arrest in connection with Bilasipara P.S. Case No. 359/2022 under Sections 143/448/380/436 IPC.

The allegation against the petitioners is that on 27.11.2022 at about 9:30 AM the petitioners set fire to the informants Maruti Alto Car bearing Registration No. AF01DF7751. It is also alleged that all the miscreants armed with dangerous weapons like dao, rod attacked the informant inside his house and robbed cash worth Rs. 70,000/- and one gold necklase. The informant and his family members had to hide inside the house. When the matter was informed to the Bilasipara P.S., two fire brigades came to the spot.

The learned Addl. P.P. submitted that there are cogent materials in the Case Diary against the petitioners. The CCTV footage clearly reveals that the petitioner Nos. 1, 2, 4, 5 and 7 have set fire to the Maruti Alto car. They were also seen by the neighbours setting fire to the car. On the contrary it is also submitted by the learned counsel for the petitioners that the informant has relentlessly lodged a slew of cases against the petitioners one after the other. The present FIR is lodged by the informant against the present petitioners.

I have perused the Case Diary. There are indeed cogent materials in the Case Diary against the petitioners. The investigation has considerably progressed. There is no statement of setting fire to the house to hold the petitioners liable under Section 436 Cr.P.C. It appears that investigation may not be adversely affected if the petitioners are admitted to pre-arrest bail.

Considering all aspects, petition is allowed.

In the event of arrest, the petitioners shall be enlarged on bail of Rs. 30,000/- each with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that –

- i. the petitioners will refrain from such activities with which they are alleged;
- ii. the petitioners will appear before the IO within 10 days;
- iii. the petitioners will not exercise threats and tamper with the evidence; and
- iv. the petitioners will not leave the jurisdiction of the Court till completion of the investigation.

Send back the Case Diary.

JUDGE

Comparing Assistant