

GAHC010000502024



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

Case No. : Bail Appln./25/2024

NAZRUL HOQUE AND ANR
S/O SAFI ALI
R/O VILL-SATGAON,
P.S. SATGAON, P.O. BAGHORBORI
DIST. KAMRUP (METRO), ASSAM

2: RAFIQUUL ISLAM
R/O VILL- SATGAON
P.S. SATGAON

P.O BAGHORBORI
DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

22.01.2024

1. Heard Mr. S.H. Sikdar, learned counsel appearing for the petitioners. Also heard

Mr. D. Das, learned Addl. P.P., Assam for the State respondent.

2. This is an application filed under Section 439 Cr.P.C. praying for granting regular bail to the petitioners, namely **1) Nazrul Hoque and 2) Rafiqul Islam** who were arrested on 21.12.2023 in connection with **Crime Branch P.S. Case No. 08/2023**, registered under Sections **120(B)/420/468/471/409/447** of the IPC.

3. The case of the prosecution, in brief, is that one Bhupen Kr. Das lodged an FIR before the Commissioner of Police, Guwahati on 28.11.2023, stating *inter-alia*, to the effect that he is the recorded pattader of a plot of land measuring 2 katha and 2 lechas covered by Dag No. 2445 of K.P. 1496 at Panjabari, Bagharbari Main Road, under village- Satgaon, Mouza- Beltola, District-Kamrup (Metro). According to him, he had inherited the said plot of land after the death of his mother Late Labanya Bala Das. It is alleged that one Jagyeswar Nath had managed to get the said plot of land mutated in his name by creating false and forged document with the help of the Lot Mandal of the concerned Revenue circle.

4. Mr. S.H. Sikdar, learned counsel appearing for the petitioners submits that the petitioners were arrested in connection with the said case on 21.12.2023 and that they are totally innocent and have been falsely implicated. He further submits that the petitioners are not named in the FIR and they are not also associated with any persons in the alleged offence. He further submits that they have been arrested only on suspicion.

5. Mr. D. Das, learned Addl. P.P. submits on the basis of the case diary that the investigation has progressed and the statements of the petitioners have been taken. He further submits that the I.O. has not found anything adverse against the petitioners.

6. Heard the submissions made by the parties and also perused the materials on record including the case diary. It appears from the record that the case against the petitioners is based purely on suspicion. The investigation has progressed and the

statements of the petitioners have also been recorded. Nothing adverse has been shown against the petitioners.

8. Considering all aspects, the petitioners named above are allowed to go on bail in connection with the above noted case on furnishing bail bond of **Rs.30,000/- (Rupees Thirty Thousand) each** with one surety of like amount to the satisfaction of the learned **C.J.M., Kamrup (M), Guwahati.**

7. The bail granted to the petitioners shall be subject to the following conditions-

i) The petitioners shall co-operate with the investigating officer as and when required;

ii) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer;

iii) The petitioners shall not leave the territorial jurisdiction of the trial Court without prior permission till completion of the trial; and

iv) The petitioners shall refrain from such activities with which they are alleged, failing which, the bail order shall stand cancelled.

8. With the above observation, this bail application stands allowed.

9. This disposes off the bail application.

JUDGE

Comparing Assistant