

GAHC010003822024



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

Case No. : AB/43/2024

ROFIKUL ALI HOQUE AND 2 ORS
S/O HASEN ALI
R/O VILL- DASBHANGI P.O. RUPSHI, P.S. GAURIPUR,
DIST. DHUBRI, ASSAM

2: NUR HOSSAIN
S/O LT. SAYED ALI
R/O VILL- KHERAJ DAOBHANGI
P.O. RUPSHI
P.S. GAURIPUR

DIST. DHUBRI
ASSAM

3: ANOWAR ALI
S/O LT. MOGOR ALI @ GHUTU SK.
VILL- KHERAJ DAOBHANGI
P.O. RUPSI
P.S. GAURIPUR

DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
THROUGH THE PP, ASSAM

Advocate for the Petitioner : MR. M H LASKAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

11.03.2024

Heard Mr. M.H. Laskar, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 438 of Code of Criminal Procedure, 1973, praying for pre-arrest bail of the petitioners, namely, (1) Rofikul Hoque, (2) Nur Hossain, and (3) Anowar Ali, in connection with Gauripur P.S. Case No. 486/2023, dated 30.12.2023 lodged under Section 325/307/379/34 of the Indian Penal Code.

It would be pertinent to mention that by order dated 09.01.2024, the aforementioned petitioners were granted interim pre-arrest bail.

The case diary called for is placed before this court.

Mr. P. Borthakur, learned Additional Public Prosecutor submits that the petitioners have appeared before the Investigating Officer in terms of the order dated 09.01.2024 passed by this court.

He further submits that the statements recorded under Section 161 Cr.P.C. have already been recorded.

He further submits that the injury report indicates that the injuries sustained are of simple in nature.

Considering the above, this court is of the considered view that custodial interrogations of the petitioners are not necessary for the ongoing investigation.

Accordingly, the interim pre-arrest bail granted by the order dated 09.01.2024 is hereby made absolute, subject to the following conditions:-

(i) the petitioners shall appear before the Investigating Officer as and when so required; and

(ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioners in the pending trial against them.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant