

GAHC010018802024



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

Case No. : AB/243/2024

SOHID HAZARI @ SOHID AHMED HAZARI AND 2 ORS
SON OF SHOFIQUE RAHMAN HAZARI, RESIDENT OF VILL- ITARKANDI
PART-II, P.S. AND DIST- HAILAKANDI, ASSAM- 788151

2: BAHARUL ALOM CHOUDHURY
SON OF NURUL HOQUE CHOUDHURY
RESIDENT OF VILL- NARAINPUR PART-II
P.S. AND DIST- HAILAKANDI
ASSAM- 788151

3: SABBIR CHOUDHURY @ SABBIR AHMED CHOUDHURY
SON OF SHOWKAT ALI CHOUDHURY
RESIDENT OF VILL- NARAINPUR PART-II
P.S. AND DIST- HAILAKANDI
ASSAM- 78815

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R A MAZUMDER

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

05.03.2024

Heard Mr. R.A. Mazumder, learned counsel for the applicants and Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with the **Hailakandi P.S. Case No. 331/2023**, under Sections 120(B)/294/353/435/511 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants namely, **Sohid Hazari @ Sohid Ahmed; Baharul Alom Choudhury; and Sabbir Choudhury @ Sabbir** for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R. lodged by SI Bipul Chanda, on 27.12.2023. The essence of allegation made in the FIR is that on 26.12.2023, at about 4:15 pm, on receipt of an FIR, about an accident, that took place at T.E. PWD Road near Boro Bungalow, between TATA Magic Truck, bearing registration No. AS-24-AC-4715 and E-Rickshaw, bearing registration No. AS-24-ER-2451, and while the informant along with his staff arrived at the spot and shifted the injured to medical, then some persons namely, Sohid Hazari; Javed Ahmed Mazumder; Baharul Alom Choudhury; Kutimajan Choudhury; Kanduk Choudhury; and Sabbir Choudhury, obstructed them in discharging their official duty and also abuse them with slang languages and created law and order situation.

4. Mr. Mazumder, learned counsel for the applicants submits that the applicants are innocent and no way involved with the offence alleged in the FIR and that they are ready to cooperate with the investigating agency and

therefore, it is contended to allow the petition.

5. On the other hand, by producing the Case Diary before this Court, Ms. Begum, learned Additional Public Prosecutor submits that the applicant No. 3 namely, Sabbir Choudhury @ Sabbir had notice under Section 41(A) of the Cr.P.C. and appeared before the IO, but the applicant Nos. 1 & 2 had not appeared before the IO. Ms. Begum further submits that the IO has collected some incriminating materials against the applicants and that the investigation is still going on and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary produced before this Court, with the assistance of learned Additional Public Prosecutor.

7. The case diary indicates that the IO has collected some incriminating materials against the applicants, in support of the allegation made in the FIR. However, it appears that the IO has achieved significant progress of the case. It also appears that the applicant No. 3 appeared before the IO.

8. In view of above and having considered the nature and gravity of the offence and punishment prescribed for the same and also considering the stage of investigation, this Court is of the view that further custodial interrogation of the applicants may not be required, in the interest of investigation.

9. Accordingly, it is provided that in the event of arrest of the applicant, in connection with the **Hailakandi P.S. Case No. 331/2023**, under Sections 120(B)/294/353/435/511 of the IPC, they shall be enlarged on pre-arrest bail, on their executing a bond of Rs. 50,000/- each only, with one surety of like

amount to the satisfaction of the arresting authority.

10. The above privilege is, however, subject to the following conditions:

(i) that the applicant shall make themselves available for interrogation by the Investigating Officer as and when required;

(ii) that the applicant 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 them from disclosing such facts to the Court or to any police officer; and

(iii) that the applicant shall not leave the jurisdiction of the learned **Chief Judicial Magistrate, Hailakandi**, without prior permission.

11. In terms of this AB stands disposed of.

12. The case diary be returned.

Comparing Assistant

JUDGE