

GAHC010026012024



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

Case No. : AB/301/2024

MD. MATIBUR RAHMAN
S/O MD. KAJIMUDDIN,
RESIDENT OF DHING ROAD, NEAR PUB KAWAIMARI MASJID, VILL
KAWAIMARI, P.O.- HAIBORGAON, DIST. NAGAON, ASSAM. PIN NO. 782002.

2: AIJUL ISLAM @ AJIJUL ISLAM
S/O MD. MATIBUR RAHMAN

RESIDENT OF DHING ROAD
NEAR PUB KAWAIMARI MASJID
VILL KAWAIMARI
P.O.- HAIBORGAON
DIST. NAGAON
ASSAM. PIN NO. 782002.

3: MD. RAFIK ALI
S/O MD. MATIBUR RAHMAN

RESIDENT OF DHING ROAD
NEAR PUB KAWAIMARI MASJID
VILL KAWAIMARI
P.O.- HAIBORGAON
DIST. NAGAON
ASSAM. PIN NO. 782002.

4: MD. SWAFIK ALI @ SOFIQ ALI
S/O MD. MATIBUR RAHMAN

RESIDENT OF DHING ROAD
NEAR PUB KAWAIMARI MASJID
VILL KAWAIMARI
P.O.- HAIBORGAON
DIST. NAGAON
ASSAM. PIN NO. 782002.

5: MD. INAMUL ISLAM
S/O MD. MATIBUR RAHMAN

RESIDENT OF DHING ROAD
NEAR PUB KAWAIMARI MASJID
VILL KAWAIMARI
P.O.- HAIBORGAON
DIST. NAGAON
ASSAM. PIN NO. 782002.

6: MUSST. ESHA BANU @ ESHA BANU
W/O MD. MATIBUR RAHMAN

RESIDENT OF DHING ROAD
NEAR PUB KAWAIMARI MASJID
VILL KAWAIMARI
P.O.- HAIBORGAON
DIST. NAGAON
ASSAM. PIN NO. 782002.

7: MUSST. SHAHIDA BEGUM @ SHAHIDA BEGUM
W/O ASADUL JAMAN
D/O MD. MATIBUR RAHMAN

RESIDENT OF DHING ROAD
NEAR PUB KAWAIMARI MASJID
VILL KAWAIMARI
P.O.- HAIBORGAON
DIST. NAGAON
ASSAM. PIN NO. 782002

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H P GUWALA

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

06.03.2024

Heard Mr. B.K. Das, learned counsel for the petitioners. Also heard Mr. K.K. Parasar, 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) Md. Matibur Rahman, (2) Aijul Islam @ Ajijul Islam, (3) Md. Rafik Ali, (4) Md. Swafik Ali @ Sofiq Ali, (5) Md. Inamul Islam, (6) Mustt. Eswa Banu @ Eshwa Banu, (7) Mustt. Swahida Begum @ Shida Begum, in connection with Nagaon P.S. Case No. 892/2023, registered under Section 447/326/307/34 of the Indian Penal Code.

The case diary as called for is placed before this court.

It may be mentioned that by order dated 21.02.2024, this court granted the privilege of interim pre-arrest bail to the petitioners, subject to conditions.

Mr. K.K. Parasar, learned Additional Public Prosecutor submits that the case diary shows that the petitioners appeared before the Investigating Officer on 26.02.2024 and got their statements recorded under Section 161 Cr.P.C. as pre the interim pre-arrest bail granted earlier.

It appears from the enquiry report that except the mother of the informant, the injury sustained by the rest of the victims are all simple in nature.

It further appears that there has been a dispute between the two fractions in respect of land.

It further appears that the investigation has progressed substantially and the statements of witnesses have already been recorded. Further, there are no

adverse materials available on record as regards the antecedents of the petitioner.

Accordingly, the interim pre-arrest bail granted by the order dated 21.02.2024 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