

GAHC010036962024



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

Case No. : AB/451/2024

MUSTAK AHMED LASKAR AND 4 ORS.
S/O HABIBUR RAHMAN LASKAR
R/O VILL- ALAICHERRA,P.S. KATLICHERRA
DIST. HAILAKANDI, ASSAM
PIN-788161

2: SHAHIN AHMED LASKAR
S/O HABIBUR RAHMAN LASKAR
R/O VILL- ALAICHERRA
P.S. KATLICHERRA

DIST. HAILAKNADI
ASSAM
PIN-788161

3: KHAYRUL ISLAM TAPADAR
S/O MOIN UDDIN TAPADAR
R/O VILL- ALAICHERRA
P.S. KATLICHERRA

DIST. HAILAKANDI
ASSAM
PIN-788161

4: FARIDUL ISLAM TAPADAR
S/O FAKIR UDDIN TAPADAR
R/O VILL RAMAPUR
P.S. KATLICHERRA
DIST. HAILAKANDI
ASSAM
PIN-788161

5: MACHUM AHMED BARBHUIYA
S/O ACHAB UDDIN BARBHUIYA

R/O VILL- ALAICHERRA PART-4

P.S. KATLICHERRA
DIST. HAILAKANDI
ASSAM
PIN-78816

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N H MAZARBHUIYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

12.03.2024

Heard Mr. M.H. Saikia, learned counsel for the petitioners. Also heard Ms. A. Begum, learned Addl. P.P, Assam.

This is an application under Section 438 of Cr.PC, 1973 for granting of pre-arrest bail to the petitioners, namely Mustak Ahmed Laskar, Shahin Ahmed Laskar, Khayrul Islam Tapadar, Faridul Islam Tapadar and Machum Ahmed Barbhuiya, who are apprehending arrest in connection with Katlicherra P.S Case No. 183/2023 registered under Sections 294/506/436/34 of IPC.

The case of the prosecution is that on 13.10.2023, the FIR named accused persons had threatened the informant while he was coming to his shop and

threatened him that they will burn down the whole market. It is further alleged that on 15.10.2023 at about 1:30 AM, the informant was informed that his shop was set on fire. Accordingly, an FIR was registered.

Mr. M.H. Saikia, learned counsel for the petitioners submits that the petitioners are not named in the FIR and the petitioners were not present on the date of the incident. He submits that the Police authorities are dragging the name of the petitioners in the present FIR, as the petitioners had filed 2 Public Interest Litigation before the Gauhati High Court.

Ms. A. Begum, learned Addl. P.P on the other hand strongly opposes the prayer for bail. She submits that there are materials available on record indicating that during investigation, the name of the petitioners have come into light. She further submits that it appears that the petitioners after burning the shop of the informant have been absconding and because of which, the investigation has not been able to take into its logical conclusion.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears from the materials available on record that there are sufficient materials implicating the accused petitioners in the offence alleged. However, since they have been absconded, the investigation has not been able to proceed further. As such, the application for anticipatory bail at this stage cannot be granted.

Accordingly, the anticipatory bail application stands rejected.

With the above observation and direction, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant