

GAHC010038702024



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

Case No. : Bail Appln./530/2024

ANARUL ISLAM @ ANARUL HOQUE @ MD. ANARUL HOQUE
S/O LATE KAZIM UDDIN
PERMANENT RESIDENT OF VILL- BHAIKHAITY PATHER,
P.S. BHELOWGURI, IN THE MORIGAON DISTRICT OF ASSAM.

VERSUS

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

Advocate for the Petitioner : MR A W AMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

15.03.2024

Heard Mr. S. Das, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P, Assam for the State respondent.

This is an application under Section 439 of the Cr.PC, 1973 for granting

bail to the petitioner, i.e., Anarul Islam @ Anarul Hoque @ Md. Anarul Hoque, who was arrested on 30.01.2024 in connection with Moirabari P.S. Case No. 242/2023 registered under Sections 294/427/506/326/307/ 379/34 of IPC.

The facts of the case is that on 06.12.2023, an FIR was lodged by the informant alleging inter alia that on 05.12.2023, the accused persons confronted the brother-in-law of the informant while he was opening his shop and upon confrontation escalated , they started abusing and chasing him. Thereafter, the accused petitioner issued a death threat and then physically assaulted Mofidul Islam, pushing him onto a pile of bricks causing him injuries on his chest and body. Thereafter, the informant's brother Ashadur Rahman arrived at the place of occurrence, the co-accused Rana Faruk Ahmed assaulted the said Ashadur Rahman with a brick.

Mr. S. Das, learned counsel for the petitioner submits that the allegation against the present petitioner, i.e, Anarul Islam @ Anarul Hoque @ Md. Anarul Hoque is that he has assaulted the father of the informant, i.e., Mofidul Islam.

Mr. P. Borthakur, learned Addl. P.P submits that in terms of the Injury Report, it appears that there are no external injuries reported in the Inquiry Report as regards Mofidul Islam.

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

It appears that the I.O has not collected any adverse materials against the petitioner.

That being so, further detention of the petitioner may not be justified for the on-going investigation.

As such, this Court is inclined to grant regular bail to the petitioner.

Considering the facts and circumstances of the case, it is provided that the petitioner named above shall be released on bail in connection with the above noted case with a bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the learned CJM, Morigaon, subject to the following conditions:-

- (i) That the petitioner shall co-operate with the investigation.
- (ii) That the petitioner 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 him from disclosing such facts to the Court or to any Police Officer; and
- (iii) That the petitioner shall refrain from committing any similar offence in future of which he is accused or suspected of commission.

With the above observation and direction, the Bail Application stands disposed of.

JUDGE

Comparing Assistant