

GAHC010047322024



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

**Case No. : AB/590/2024**

NURUL AZIM KHAN AND ANR  
S/O LATE ASKAR @ AKSAR ALI KHAN, R/O VILL- DAFADARPARA  
(HATSINGIMARI), P.S.-SOUTH SALMARA, DIST-SOUTH SALMARA  
MANKACHAR, ASSAM

2: AMINUL ISLAM  
S/O BATEN SHEIKH  
R/O VILL- DAFADARPARA (HATSINGIMARI)  
P.S.-SOUTH SALMARA  
DIST-SOUTH SALMARA MANKACHAR  
ASSA

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MD. K RAHMAN**

**Advocate for the Respondent : PP, ASSAM**

**B E F O R E**  
**HON'BLE MR. JUSTICE KAUSHIK GOSWAMI**

**19.03.2024**

Heard Mr. K. Rahman, learned counsel appearing for the petitioners.

Also heard Mr. K.K. Parasar, learned Addl. P.P., Assam appearing for the State respondent.

**2.** This is an application under Section 438 of the Code of Criminal Procedure, 1973 for granting anticipatory bail to the petitioners, namely **Nurul Azim Khan and Aminul Islam**, in connection with **South Salmara P.S. Case No. 44/2024**, registered under Sections **306/34** of the Indian Penal Code, 1860, corresponding to G.R. No. 115/2024.

**3.** The case of the prosecution in brief is that the accused No. 1 with assistance of the other accused has been torturing the informant over maintaining the passing road which leads to their courtyard. It is the further case of the prosecution that on 24.02.2024, at about 10.00 A.M. the accused persons passed through the road, which is in the courtyard of the informant and while passing through they further threatened the informant and his family that they will come tomorrow with a JCB and break their house. It is the further case of the prosecution that out of the aforesaid incident on the night of 24.02.2024, the informant's mother committed suicide. Accordingly, a case has been registered.

**4.** Mr. K. Rahman, learned counsel for the petitioners submits that the petitioners have been falsely implicated for the offence alleged. He further submits that the petitioners are totally innocent.

**5.** Mr. K.K. Parasar, learned Addl. P.P. on the other hand strongly opposes the prayer of anticipatory bail. He further submits that as per the materials available on record, the informant's mother committed suicide. He further submits that there are materials available in the case diary which indicates that the accused persons had come to the house of the informant and threatened them.

**6.** I have heard the submissions made at the Bar and perused the materials available on record.

**7.** It appears that the investigation has substantially progressed and also by taking the totality of the circumstance of the case, this Court is of the considered view that custodial interrogation of the petitioners may not be necessary for the ongoing investigation.

**8.** Accordingly, it is provided that in the event of arrest, the petitioners named above, shall be released on pre-arrest bail in connection with the above noted case, on furnishing bail bond of Rs. 15,000/- each with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions-

(i) That the petitioners shall appear before the investigating officer within 15 days, failing which on and from the 16<sup>th</sup> day, the pre-arrest bail order has no force; and

(ii) That the petitioners 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 that the petitioners shall refrain from such activities with which he has alleged.

**9.** Return the case diary.

**10.** This disposes of anticipatory bail application.

**JUDGE**

**Comparing Assistant**