

GAHC010051242024



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

Case No. : AB/639/2024

MOHIDUL ISLAM @ MOFIDUL ISLAM
S/OSRHAB ALI, VILL- UTTAR SAT BHENDI, P.S.-LAKHIPUR, DIST-
GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M I HUSSAIN

Advocate for the Respondent : PP, ASSAM

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

28.03.2024

Heard Mr. MI. Hussain, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned APP for the State respondent.

This is an application under Section 438 of CrPC, 1973 for granting Anticipatory

Bail to the petitioner i.e. Mohidul Islam @Mofidul Islam, who is apprehending arrest in connection with Lakhipur PS Case No. 38/2024 u/s 447/384/294/506/34 IPC.

The case of the prosecution is that an FIR was lodged on 05.02.2024 alleging inter alia that the petitioner demanded money by rebuking slang languages and threatening the informant who is the owner of Brick Industry.

Mr. M.I Hussain, learned counsel for the petitioner submits that the petitioner is a reporter and after he had noticed that the brick industry has been set up next to the LP School by engaging child labour, the present FIR has been filed to harass the petitioner.

Mr. D.P. Goswami, learned APP for the State respondent submits that the investigation has substantially progressed and the statement of the witnesses have been recorded. He has further submitted that it appears from the said statement recorded under Section 161 CrPC, there are materials to implicate the petitioner as regard the allegation of threatening.

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

It appears from the materials collected by the investigating officer available in the case diary that the case has been substantially progress and the statement of the witnesses have also been recorded under Section 161 CrPC. It further appears that there are no adverse materials collected against the antecedent of the petitioner by the Investigation Officer.

Considering the facts and circumstances of the case, this Court is of the considered view that custodial interrogation of the petitioner may not be justified on the ongoing investigation of the case.

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/- with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:-

i) That the petitioner shall appear before the Investigating Officer within 10 days, failing which on and from the 11th day, the interim-pre arrest bail order shall have no force;

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 offences in future of which he is accused or suspected of commission.

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

JUDGE

Comparing Assistant