

GAHC010052492024



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

Case No. : AB/685/2024

REZABUL HOQUE @ REJABUL HOQUE AND ANR.
S/O LT. ABU BOKKAR SIDDIQUE, R/O VILL- BATABARI, P.O.-MARKULA,
P.S.-BAGUAN, DIST- GOALPARA, ASSAM, PIN-783120

2: NOJRUL ISLAM @ NAZRUL ISLAM
S/O LT. ABU BOKKAR SIDDIQUE
R/O VILL- BATABARI
P.O.-MARKULA
P.S.-BAGUAN
DIST- GOALPARA
ASSAM
PIN-78312

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

29.07.2024

Heard Mr M R Khandakar, learned counsel for the petitioners, 1) Rezabul Hoque @
Rejabul Hoque, and 2) Nojrul Islam @ Nazrul Islam.

2. The petitioners have filed this application under Section 438 of the Code of Criminal Procedure, 1973, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Baguan PS Case No. 74/2023, corresponding to GR No. 1502/2023, under Sections 302/34 of the Indian Penal Code, 1860.
3. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam/respondent.
4. The allegations against the petitioners is that they have subjected the victim, Chan Banu to cruelty after her marriage with the petitioner No. 1. There was a meeting also in the village relating to the cruelty meted out to the victim by the petitioner No. 1, Rezabul Hoque.
5. The learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioners.
6. I have perused the Case Diary.
7. Indeed, there are incriminating materials in the Case Diary against the petitioner No. 1. The merits of this case are not brought to the fore.
8. I have considered the gravity of this offence. At this stage, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner No. 1. However, after considering the submissions on behalf of the petitioner No. 2, the petition with prayer for pre-arrest bail, so far as the petitioner No. 2 is concerned, is allowed.

9. Investigation has progressed to a considerable extent and it appears that custodial interrogation of the petitioner may not be required.

10. Accordingly, in the event of his arrest, the petitioner No. 2 shall be enlarged on bail of Rs. 50,000/-, with a suitable surety of the like amount to the satisfaction of the arresting authority, under the conditions that:-

- i) the petitioner No. 2 shall appear before the IO within 7 (seven) days from today and cooperate with the investigation,
- ii) the petitioner No. 2 shall not exercise threats to the witnesses or try to influence the witnesses; and
- iii) the petitioner No. 2 shall not leave the jurisdiction of the Court, without prior permission

On breach of any of the bail conditions, the bail order of the petitioner No. 2 shall automatically stand cancelled.

15. Bail Application stands disposed of.

16. Send back the Case Diary.

JUDGE

Comparing Assistant