

GAHC010057392024



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

Case No. : AB/732/2024

ABDUS SUFAN LASKAR @ ABDUL SUFAN LASKAR
S/O LATE HARUN RASHID LASKAR @ LATE BOSAI MIYA LASKAR,
VILL- BHATIRKUPA PART-I, P.O. CHANDIPUR, P.S. ALGAPUR,
DIST. HAILAKANDI, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 05.04.2024

Heard Mr. A. M. Barbhuiya, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Algapur P.S. Case No. 32/2024, under Sections 448/376 of the Indian Penal Code, corresponding to G.R. Case No. 228/2024.

It is submitted by Mr. A. M. Barbhuiya, learned counsel for the petitioner, that there was a land dispute between the informant and the accused since long and on the day of incident also, there was a fight between 2 (two) groups regarding the land and the informant herself destroyed the fencing of the land of the accused/petitioner and thereafter she lodged the F.I.R. with false and concocted allegation. He further submitted that as per the instruction of his client, when the police visited the place of occurrence, he came to know about the actual fact of the case. However, he is ready and willing to appear before the I.O. in the further investigation of this case if he is granted with the privilege of pre-arrest bail.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that the victim implicated the present accused/petitioner in her statement recorded under Section 164 Cr.P.C. But she also accepted about the land dispute and as per the other independent witnesses, they only know about the land dispute between the parties and on the day of incident also, there was a quarrel for land. Accordingly, he submitted that the custodial interrogation of the present accused/petitioner may not be necessary in the present case considering the materials in the Case Diary.

Considering the submissions made by learned counsels of both sides and also considering the entire aspects of the case, I find that custodial interrogations of the present accused/ petitioner is not necessary in this case and therefore, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner.

Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Abdus Sufan Laskar @ Abdul Sufan Laskar, in connection with Algapur P.S. Case No. 32/2024, under Sections 448/376 of the Indian Penal Code, corresponding to G.R. Case No. 228/2024, he shall be enlarged on pre-arrest bail on his executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioner shall appear before the Investigating Officer of the case within a period of 1 (one) week from today;
- (ii) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case; and
- (iii) 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.

The anticipatory bail application stands disposed of in terms above.

JUDGE

Comparing Assistant