

GAHC010060462024



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

Case No. : AB/774/2024

AMIRUL ISLAM
SON OF ABDUS SALAM, RESIDENT OF BHUIYABARI, PS LAHARIGHAT,
DISTRICT MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:HANNANA KHATUN
D/O ABU YUSUF
R/O OUTOLABARI
WARD NO. 6
P.S.-LAHARIGHAT
DIST- MORIGAON
ASSA

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 27.03.2024

Heard Mr. S. M. Abdullah P., learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent No. 1 and Mr. B. K. Das, learned counsel appearing on behalf of respondent No. 2.

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 Laharighat P.S. Case no. 226/2023, under Sections 120(B)/ 376/341/354/325/324/506 of the Indian Penal Code.

It is submitted by Mr. S. M. Abdullah P., learned counsel for the petitioner, that the earlier anticipatory bail application of the present accused/petitioner was rejected by this Court vide order dated 13.02.2024 after perusal of the Case Diary as well as considering the objection made by the learned counsel appearing on behalf of the informant. Further he submitted that in fact there was a dispute between the 2 (two) wives of the present accused/petitioner and with some false allegation and the instigation of the other family members, the present F.I.R. was lodged against the present accused/petitioner. However, they have settled their dispute amicably and at present, there is no grievance of the informant against the present accused/petitioner. He will appear before the I.O. and will co-operate in the further investigation of this case if he is granted with the privilege of pre-arrest bail.

In this context, Mr. B. K. Das, learned counsel appearing on behalf of respondent No. 2, has submitted that at present both the accused/petitioner and the respondent No. 2/informant are residing under the same roof as husband and wife and they have settled the matter amicably. In that context, the present informant- Smti Hannana Khatun has also sworn an affidavit before the Notary Public stating that the case is basically a family dispute and they have settled the dispute amicably and at present she has no grievance against the present accused/petitioner and hence she has no objection if the accused/petitioner is released on bail.

Mr. D. Das, learned Additional Public Prosecutor, raised no objection stating that if the matter is amicably settled between the parties, the State has no objection if the present accused/ petitioner is granted with the privilege of pre-arrest bail.

Considering the submissions of learned counsels of both sides and also considering the fact that the matter has amicably settled between the parties, 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, Amirul Islam, in connection with Laharighat P.S. Case no. 226/2023, under Sections 120(B)/ 376/341/354/325/324/506 of the Indian Penal Code, 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 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.

The anticipatory bail application stands disposed of in terms above.

JUDGE

Comparing Assistant