

GAHC010060612024



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

Case No. : AB/776/2024

BASIRUL ISLAM AND 5 ORS.
S/O LATE MOHAJ UDDIN, R/O VILL- JHOWDANGA ARAT GAON, P.S.-
MANKACHAR, DIST-SOUTH SALMARA MANKACHAR, ASSAM

2: MUKTADIR RAHMAN
S/O LATE SIRAJUL HOQUE
R/O VILL- JHOWDANGA ARAT GAON
P.S.-MANKACHAR
DIST-SOUTH SALMARA MANKACHAR
ASSAM

3: MOSIBAR RAHMAN @ MOZIBAR RAHMAN
S/O LATE ABDUL AZIZ
R/O VILL- JHOWDANGA ARAT GAON
P.S.-MANKACHAR
DIST-SOUTH SALMARA MANKACHAR
ASSAM

4: NOOR ALAM (KANDRE)
S/O ABDUL BATEN
R/O VILL- JHOWDANGA ARAT GAON
P.S.-MANKACHAR
DIST-SOUTH SALMARA MANKACHAR
ASSAM

5: ABDUL HASEM
S/O MANIK SK
R/O VILL- JHOWDANGA ARAT GAON
P.S.-MANKACHAR
DIST-SOUTH SALMARA MANKACHAR
ASSAM

6: ROFIQUL HOQUE
S/O HAMDE SHEIKH

R/O VILL- JHOWDANGA ARAT GAON
P.S.-MANKACHAR
DIST-SOUTH SALMARA MANKACHAR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 17.05.2024

Heard Mr. M. Ahmed, learned counsel for the petitioner. Also heard Mr. K.K. Parasar 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, namely 1) Basirul Islam 2) Muktadir Rahman 3) Mosibar Rahman @ Mozibar Rahman 4) Noor Alam (Kandre) 5) Abdul Hasem 6) Rofiqul Hoque who has been apprehending arrest in connection Mankachar PS Case No. 55/2024 registering under Sections 147/427/448/386 of IPC..

The Case Diary has been received. Perused the same.

It is submitted by the learned counsel for the petitioner that they are innocent and false and concocted allegations have been brought against them. However, after obtaining the interim pre-arrest bail, all the petitioners have appeared and their statement under Section 161 Cr.P.C. have also been recorded. They are still ready and willing to cooperate the I/O in further investigation of the case, if they are granted with the privilege of pre-arrest bail.

Learned Additional Public Prosecutor in this regard has submitted that all the accused

petitioners have cooperated with the I/O in the investigation of the case. However considering the materials available in the case diary, all the accused petitioners may be granted with the privilege of pre-arrest bail.

Considering the submission made by the learned counsel for both sides and the materials available in the case diary vis-a-v-s the conduct of the accused petitioners, I find that custodial interrogation of the present accused petitioners are not necessary for the purpose of investigation and hence I find it a fit case to extend the privilege of pre-arrest bail to the accused petitioners.

Accordingly, the interim pre-arrest bail order, granted to the accused/petitioners vide order dated 22.03.2024, is hereby made absolute with the same terms and conditions.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant