

GAHC010060832024



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

Case No. : AB/770/2024

FAIZUL HOQUE AND 3 ORS.

S/O MAHIBULLAH @ MD. MAHIBULLA SHEIKH, R/O VILL- GHILAKURI,
P.O.-BARAMPUR, P.S.-SIPAJHAR, DIST-DARRANG, ASSAM

2: FAIZUR RAHMAN

S/O MAHIBULLAH @ MD. MAHIBULLA SHEIKH
R/O VILL- GHILAKURI
P.O.-BARAMPUR
P.S.-SIPAJHAR
DIST-DARRANG
ASSAM

3: KARIMA BEGUM

W/O FAIJUL HOQUE
R/O VILL- GHILAKURI
P.O.-BARAMPUR
P.S.-SIPAJHAR
DIST-DARRANG
ASSAM

4: PARBIN SULTANA @ PARBIN BEGUM

W/O FAIZUR RAHMAN
R/O VILL- GHILAKURI
P.O.-BARAMPUR
P.S.-SIPAJHAR
DIST-DARRANG
ASSA

VERSUS

THE STATE OF ASSAM

REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M HOQUE

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 28.03.2024

Heard Mr. M. Hoque, learned counsel for the petitioners. Also heard Mr. D. Das, 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/petitioners, who are apprehending arrest in connection with Sipajhar P.S. Case No. 28/2024, under Sections 326/307/34 of the Indian Penal Code.

It is submitted by Mr. Hoque, learned counsel for the petitioners, that the present F.I.R. is the counterblast of the F.I.R. lodged by the accused against the present informant and others. Further it is submitted that the present case is a monetary dispute between the brothers and on the day of incident, there was an altercation and push and pull between the 2 (two) groups as a result of quarrel between the family members of both the parties, wherein 2 (two) of the accused persons also sustained injuries and they had to be admitted in the Mangaldai Civil Hospital. Further he submitted that the accused/petitioners are ready and willing to co-operate with the I.O. in the investigation of the case.

But, considering the entire facts and circumstances of the case, the accused/petitioners may be granted with the privilege of pre-arrest bail.

In this context, Mr. Das, learned Additional Public Prosecutor, has submitted that as per the medical report, the injury sustained by the victim is grievous in nature and there was stitches on the scalp. Further it is submitted that there are sufficient incriminating materials against the present accused/petitioners showing their direct involvement in the alleged offence.

After considering the submissions made by the learned counsels for both sides and also on perusal of the Case Diary as well as the Medical Report submitted by the I.O. and further considering the entire facts and circumstances of this case, I find that custodial interrogation of the accused/petitioners may not be necessary in this case for the interest of the investigation and hence, I find it a fit case to extend the privilege of pre-arrest bail to all the accused/petitioners.

Accordingly, it is provided that in the event of arrest of the accused/petitioners, namely, (i) Faizul Hoque, (ii) Faizur Rahman, (iii) Karima Begum & (iv) Parbin Sultana @ Parbin Begum, they shall be enlarged on pre-arrest bail on their executing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioners 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

- (ii) 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.

The Case Diary be sent back.

A copy of the Medical Report submitted by the I.O. shall be kept as a part of the record.

JUDGE

Comparing Assistant