

GAHC010066842024



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

Case No. : AB/860/2024

FAKAR UDDIN AND 3 ORS.
S/O SIDDIQUE ALI, R/O VILL-BHEHUGURI, P.S.-MIKIRBHETA, DIST-
MORIGAON, ASSAM, PIN-782123

2: ROFIQUL ISLAM
S/O SIDDIQUE ALI
R/O VILL-BHEHUGURI
P.S.-MIKIRBHETA
DIST-MORIGAON
ASSAM
PIN-782123

3: AIZUL HOQUE
S/O SIDDIQUE ALI
R/O VILL-BHEHUGURI
P.S.-MIKIRBHETA
DIST-MORIGAON
ASSAM
PIN-782123

4: JIARUL HOQUE
S/O LATE ABDUL REZZAK
R/O VILL- KOLMOUBARI
P.S.-MIKIRBHETA
DIST- MORIGAON
ASSAM
PIN-78212

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 09.04.2024

Heard Mr. S. H. Sikdar, learned counsel for the petitioners. Also heard Mr. D. Das learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioners, namely, **1. Fakar Uddin, 2. Rofiqul Islam, 3. Aizul Hoque and 4. Jiarul Hoque**, apprehending arrest in connection with **Mikirbheta P.S. Case No. 251/2023** under Sections **148/341/326/352/307** of the IPC.

The Case diary, as called for, is placed before the Court.

Mr. J. Ali, learned counsel for the petitioners submits that the petitioners are totally innocent and are not involved in the offence alleged. He further submits that the petitioners belong to respective family and never indulged in any criminal activity whatsoever.

On the other hand, Mr. D. Das, learned Addl. P.P., strongly opposes the prayer of pre-arrest bail. He submits that the investigation has substantially progressed and the statement of the witnesses has been recorded under Section 161 Cr.P.C.

I have heard the submissions made at the Bar and perused the case diary. It appears that the investigation has substantially progressed.

Considering the facts and circumstances of the case, this Court is of the

considered view that custodial interrogation of the petitioners may not be necessary in the interest of ongoing investigation in the case.

Accordingly, it is provided that in the event of arrest, the petitioners, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs.30,000/- each** with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) That the petitioners shall appear before the Investigating Officer within 7 days, failing which on and from the 8th day, this pre-arrest bail order shall have no force; 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; and
- (iii) That the petitioner shall refrain from committing any similar offences in future, of which they are accused or suspected of commission.

Return the case diary.

This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant