

GAHC010070002024



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

Case No. : AB/878/2024

JAKIR HUSSAIN AND 2 ORS.
S/O KOPIL SHEIKH, R/O VILL- BAGULAMARI NAK KOTI MOR, P.S.-
DHUBRI, DIST-DHUBRI, ASSAM

2: AJIRAN BIBI
W/O JAKIR HUSSAIN
R/O VILL- BAGULAMARI NAK KOTI MOR
P.S.-DHUBRI
DIST-DHUBRI
ASSAM

3: RAKIBUL ISLAM @ MD. RAKIBA ALI
S/O JAKIR HUSSAIN
R/O VILL- BAGULAMARI NAK KOTI MOR
P.S.-DHUBRI
DIST-DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

15.05.2024

Heard Mr. F. Hoque, learned counsel for the petitioners. Also heard Mr. P. Sharma, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioners in connection with Dhubri P. S. Case No.83/2024 under Sections 143/341/294/325/326 of the Indian Penal Code.

Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioners, Mr. Hoque that all the petitioners are innocent and the dispute arose only due to simple quarrel, and apart from that nothing happened as alleged in the FIR. He also submitted that after obtaining the interim-pre-arrest bail on 04.04.2024, the accused/petitioner Nos. 1 and 2 appeared before the IO and co-operated in the investigation of the case. The accused/petitioner No.3 is still ready and willing to co-operate with the IO in further investigation of this case, if his prayer for pre-arrest bail is granted as well as the petitioner Nos. 1 and 2 prays for making their interim pre-arrest bail as absolute.

In this context, Mr. Sharma, learned Additional Public Prosecutor has submitted that from the Injury Report, it is seen that the victim sustained simple head injury with a blunt object and thus, he raised no objection, if they are granted with the privilege of pre-arrest bail as well as making their interim pre-

arrest bail as absolute.

After hearing the submissions of the learned counsels for both sides and also considering the materials available in the Case Diary as well as considering the fact that the accused/petitioner Nos. 1 and 2 has appeared before the IO and co-operated with the investigation of this case, I find it fit to extend the privilege of pre-arrest bail to the accused/petitioner Nos. 1 and 2, namely **1. Jakir Hussain and 2. Smti. Ajiran Bibi**. Thus, the order passed by this Court dated 04.04.2024, is hereby made absolute with the same terms and conditions. Further, I find it a fit case to grant the privilege of pre-arrest bail to the accused/petitioner No.3.

Accordingly, it is provided that in the event of arrest of the accused/petitioner No.3, namely, **Rakibul Islam**, in connection with Dhubri P. S. Case No.83/2024 under Sections 143/341/294/325/326 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 make himself available for interrogation by the Investigating Officer within 7(seven) from today.
- (ii) 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; and
- (iii) that the petitioner shall not leave the jurisdiction of the

concerned jurisdictional Magistrate, without prior permission.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant