

GAHC010070572024



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

Case No. : AB/917/2024

ANOWAR HUSSAIN AND 3 ORS.
S/O NURUL ISLAM, VILL AND P.O.-FULERCHAR, P.S.-SOUTH SALMARA,
DIST-SOUTH SALMARA MANKACHAR, ASSAM

2: SAMIUL ISLAM
S/O FOTE ALI
VILL-HATSINGIMARI
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR, ASSAM

3: RAJU MIAH @ RAJU SHEIKH
S/O KHOLILUR RAHMAN
VILL- HATSINGIMARI
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR, ASSAM

4: SOKIBOR ROHMAN
S/O NUR MOHAMMAD
VILL- HATSINGIMARI
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M ISLAM
MS P BARUA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

13.06.2024

Heard Ms P Barua, learned counsel for the petitioners, 1) Anowar Hussain, 2) Samiul Islam, 3) Raju Miah @ Raju Sheikh, 4) Sokibor Rohman, who have filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as they are apprehending arrest in connection with South Salmara PS Case No. 31/2024, corresponding to GR Case No. 79/2024, under Sections 147/148/143/325/326/307/379 of the Indian Penal Code, 1860.

2. It is submitted by the learned counsel for the petitioners, Ms Barua that the accused/petitioners are in no way connected with the alleged incident as stated in the FIR. It is a fact that there was a quarrel and scuffle between some passengers with the son of the informant, which arose due to some ticket issues, wherein, the present accused/petitioner Nos. 2 and 3 came forward and tried to stop the quarrel, but, they are not at all involved in the alleged offence. Moreover, the accused/petitioner Nos. 1 and 4 were not present in the place of occurrence and being local individuals of that area their names have been reflected in the FIR only on suspicion and misunderstanding. Further, the learned counsel has prayed for grant of interim pre-arrest bail and has also submitted that the petitioners are willing to co-operate with the investigation of this case.

3. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.

4. The petitioners have appeared before the IO and they have cooperated with the investigation.

5. It is further submitted that the injured person, namely, Jaidul Islam has sustained simple injury as well as grievous injury on his ribcage.

6. I have considered the submission that the petitioners have not violated any bail conditions.

7. I have also considered the submission that the petitioners are willing to abide by any stringent conditions, if imposed upon them.

8. In view of my foregoing discussions, the interim pre-arrest bail order dated 08.04.2024, is hereby made absolute, under the conditions that-

- i) the petitioners shall appear before the IO on every fortnight, and cooperate with the investigation,
- ii) the petitioners shall not exercise threats to the witnesses, and
- iii) the petitioners shall refrain from such activities with which they are alleged.

On breach of any bail conditions, bail order shall stand cancelled.

9. Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant