

GAHC010077092024



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

Case No. : AB/1002/2024

SADIKUL ISLAM AND ANR

Village- Udhamtola, P.O-Patia Chapari, P.S-Dhing, Dist-Nagaon, Assam PIN-782122

2: JIABUR RAHMAN

VILL UDHAMTOLA P.O. PATIA CHAPARI P.S. DHING DIST. NAGAON
ASSAM PIN 782122

2: Sadikul Islam And Anr

Village- Udhamtola

P.O-Patia Chapari

P.S-Dhing

Dist-Nagaon

Assam PIN-78212

VERSUS

THE STATE OF ASSAM

STATE OF ASSAM REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. A ALAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 19.06.2024

Heard Mr. M. Alam, learned counsel for the petitioners. Also heard Mr. R. J.

Boruah, 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, namely, Sadikul Islam and Jiabur Rahman, who are apprehending arrest in connection with Dhing P.S. Case No.48/2024, under Section 120(B)/384 of the Indian Penal Code read with Section 25(1A)/27(2) of the Arms Act.

CD received, perused the same and heard both the sides.

It is submitted by Mr. M. Alam, learned counsel for the petitioners, that these two accused petitioners are innocent and they are falsely implicated in this case. On the day of incident, while both the petitioners were operating tractors, they were threatened by the informant side to disposes from their land and for which, there was a quarrel between them and in that process, one of the co-accused- Rahul Amin fired three shots from a pistol in the air to protect and save their lives. However, both the accused petitioners are ready to co-operate with the Investigating Officer in the further investigation of this case if they are granted with the privilege of pre-arrest bail.

In the context, Mr. R. J. Boruah, learned Additional Public Prosecutor for the State respondent, has submitted that 2 (two) of accused persons, named in the FIR, could not be apprehended by the Police as they fled away from the place of occurrence by firing pistol in the air. He further submitted that there are sufficient materials available in the Case Diary and the custodial interrogation of the present accused/petitioners will be required in the interest of the proper investigation of this case.

Considering the submissions made by the learned counsels for both sides and also considering the incriminating materials available in the Case Diary as

well as the statement made by the independent witnesses, I find that further custodial interrogation of the present 2 (two) accused petitioners will be required for the interest of the investigation and hence, I do not find it a fit case to grant the privilege of pre-arrest bail to the accused petitioners and accordingly, stands rejected.

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

JUDGE

Comparing Assistant