

GAHC010092702024



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

Case No. : Bail Appln./1343/2024

ABDUL KHALEK AND 5 ORS.
S/O GIYAS UDDIN SHEIKH, R/O VILL- GERAMARI PART-II, P.O.-GERAMARI,
P.S.-GAURIPUR, DIST- DHUBRI, ASSAM, PIN-783339

2: SAHADAT ALI @ KACHU @ KASO
S/O LATE SAMSER ALI
R/O VILL- GERAMARI PART-V
P.O.-GERAMARI
P.S.-GAURIPUR
DIST- DHUBRI
ASSAM
PIN-783339

3: AIFUL ISLAM @ AIFUL ALI @ AIFUL
S/O JAFOR ALI
R/O VILL- GERAMARI PART-V
P.O.-GERAMARI
P.S.-GAURIPUR
DIST- DHUBRI
ASSAM
PIN-783339

4: ABDUL SIDDIQUE
S/O HAZDDIN MOULUBI @ MOLLAH
R/O VILL- GERAMARI PART-V
P.O.-GERAMARI
P.S.-GAURIPUR
DIST- DHUBRI
ASSAM
PIN-783339

5: AMZAD ALI
S/O LATE KACHA SHEIKH
R/O VILL- GERAMARI PART-V

P.O.-GERAMARI
P.S.-GAURIPUR
DIST- DHUBRI
ASSAM
PIN-783339

6: MINTU ISLAM @ MINTU
S/O JAHANUDDIN SHEIKH @ PADHARU
R/O VILL- GERAMARI PART-V
P.O.-GERAMARI
P.S.-GAURIPUR
DIST- DHUBRI
ASSAM
PIN-78333

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

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

10.05.2024

Heard Mr. A. A. R. Karim, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This application filed under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioners, who has been languishing in jail hazot in connection with Gauripur P.S. Case No. 99/2024, under Sections 120(B)/147/148/353/325/307/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners, Mr. Karim, that the altercation took place between some police personal and the villagers, but, the accused/petitioners are not at all involved in the alleged offence. Further, he submits

that the contents of the F.I.R., does not attract a case under Section 307 of IPC against the petitioners. More so, the petitioner Nos. 1 to 4; 5 and 6 are behind the bar since, 37, 35 and 34 days respectively and accordingly, considering the length of detention undergone by the accused/petitioners, they may be enlarged on bail as the I.O. has got sufficient time for their custodial interrogation.

On the other hand, the learned Additional Public Prosecutor, Mr. Borthakur, has submitted that this kind of activities are going on in the society and some of the people in a pre-planned manner assault the police personal while discharging their lawful duty. Further, he submits that considering the length of detention undergone by the accused/petitioners, they may be enlarged on bail.

Considering the submissions of learned counsels for both sides and without going into the merit of the case, only considering the length of detention already undergone by the accused/petitioners, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioners in the custody and accordingly, further custodial interrogation of the accused/petitioners seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dhubri, the accused/petitioners, namely, **1. Sri Abdul Khalek, 2. Sri. Sahadat Ali, 3. Sri. Aiful Islam, 4. Sri. Abdul Siddique, 5. Sri. Amzad Ali** and **6. Sri. Mintu Islam**, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;
- (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 them from disclosing such facts to the Court or to any police officer; and

- (iii) that the petitioners shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Dhubri, without prior permission.

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

JUDGE

Comparing Assistant