

GAHC010096642024



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

Case No. : AB/1258/2024

SAFIKUL HOQUE AND ANR
S/O FARID ALI
R/O VILL- SANTIPUKHURI (SIALMARI), P.S. SIPAJHAR, P.O. SANTIPUKHURI

PIN- 784144, DIST. DARRANG, ASSAM

2: ANIMA BEGUM
W/O SAFIKUL HOQUE
R/O VILL- SANTIPUKHURI (SIALMARI)
P.S. SIPAJHAR
P.O. SANTIPUKHURI
PIN- 784144
DIST. DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
REP.BY THE PP, ASSAM

Advocate for the Petitioner : MR. P DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

12.06.2024

Heard Mr R Hoque, learned counsel for the petitioners, 1) Safikul Hoque and 2) Anima Begum, who have filed this application under Section 438 CrPC, with prayer for

pre-arrest bail, as they are apprehending arrest in connection with Sipajhar PS Case No. 45/2024, under Sectoins 342/325/307/427/34 IPC.

2. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam/respondent.

3. The learned counsel for the petitioners has submitted an additional affidavit stating that they have appeared before the IO on 24.05.2024, but their statement could not be recorded as the IO was on leave. Again, the petitioners appeared before the IO on 31.05.2024, but the IO declined to record their statements, as the 7 (seven) days given to the petitioner to appear before the IO was already over.

4. The petitioners are on pre-arrest interim bail vide order dated 20.05.2024, passed by this Court.

5. The allegation against the petitioners is that they have hatched up a conspiracy and assaulted Md Abdul Matin at about 08:45 pm, on 03.04.2024.

6. It is submitted on behalf of the petitioners that Md Abdul Matin went to the petitioners' house as he was having an illicit affair with the sister-in-law of the petitioner No. 1 and both of them were caught red handed in the petitioners' house. The petitioners have assaulted the victim Md Abdul Matin. It is, however, denied that they have snatched away Rs. 6,300.00 from the victim Md Abdul Matin.

7. Seen the injury report of the victim, who has sustained injuries on his eyelids and simple injury cause by blunt object on his face.

8. The Case Diary also reveals that investigation has progressed to a considerable extent.

9. The petitioners have pledged to cooperate with the remaining part of investigation. The petitioners are willing to abide by any stringent conditions, if imposed upon them.

10. In view of my foregoing discussions, the interim order dated 20.05.2024, is hereby made absolute under the conditions that-

- i) the petitioners shall appear before the IO within seven days from today and cooperate with the investigation,
- ii) the petitioners shall not exercise threats to the witnesses,
- iii) the petitioners shall refrain from such activities with which they are alleged, and
- iv) the petitioners shall not leave the jurisdiction of the Court without prior permission.

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

11. Bail Application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant