

GAHC010105522024



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

Case No. : Bail Appln./1541/2024

MD IMDADUL HOQUE AND ANR
S/O MD. YUNUS ALI
R/O WARD NO. 2,
MANGALDOI,
P.S. MANGALDOI,
DIST. DARRANG, ASSAM

2: MD IFTIKAR HOQUE
S/O MD. YUNUS ALI
R/O WARD NO. 2

MANGALDOI

P.S. MANGALDOI

DIST. DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR P KATAKI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

03.06.2024

1. Heard R. Begum, learned counsel for the petitioners, Md. Imdadul Hoque and Md. Iftikar Hoque.
2. This application has been filed by the petitioners namely, Md. Imdadul Hoque and Md. Iftikar Hoque under section 439 Cr.pc with prayer for bail as they are behind bars since 24.04.2024 and 05.05.2024 respectively in connection with Mangaldoi P. S. Case No. 113/2024 under Sections 147/149/427/326/506/307 of the IPC.
3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, who has submitted that there are incriminating materials in the Case Diary against the petitioner.
4. I have perused the Case Diary. Indeed there are incriminating materials against the present petitioners.
5. The victims have sustained injuries. Victim, Shasanka Deka has sustained grievous injury caused by blunt object on left metacarpal bone and other Injuries whereas the another victim, Jiten Deka has sustained simple injury caused by blunt object.
6. I have considered the submissions at the Bar with circumspection.
7. The allegations against the petitioners is when the informant and his son tried to sell betel nut, the petitioners restrained and attacked them causing grave injury on the informants' son as well as her husband.
8. I have considered the submissions at the Bar that the petitioners have been behind bars for a considerable period. Investigation has also progressed to a

considerable extent. The petitioners have pledged to co-operate with the remaining part of the investigation.

9. It appears that custodial detention may not be required for further progress of investigation.

10. Considering all aspects, petition is allowed.

11. The petitioner is enlarged on bail of Rs. 50,000/-(Rs. Fifty thousand only) with a suitable surety of like amount to the satisfaction of the learned CJM, Mangaldoi, Darrang under the condition that;

(i) the petitioners shall refrain from such activities with which they are alleged, and

(ii) the petitioners shall not leave the jurisdiction of the Court without prior permission till completion of investigation.

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

13. Send back the Case Diary.

JUDGE

Comparing Assistant