

GAHC010108462024



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

Case No. : AB/1432/2024

MD. ROHIDUL ISLAM @ ROHIDUL ALI
S/O SAMED ALI, R/O VILL- BARMANIKPUR, P.O.-SORU MANIKPUR, P.S.-
PATACHARKUCHI, DIST- BAJALI, ASSAM, PIN-781329

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M KALITA, MR. N M DAS, MR. J HATIMURIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

31.07.2024

Heard Mr. M. Kalita, learned counsel for the petitioner and also heard Mr. D. Das, learned Additional Public Prosecutor, Assam, appearing 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/petitioner, namely, Md. Rohidul Islam @

Rohidul Ali, who is apprehending arrest in connection with Patacharkuchi P.S. Case No.46/2024 under Section 326/307 of the Indian Penal Code.

Case diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Kalita, learned counsel for the petitioner that his earlier pre-arrest bail application was rejected after perusal of the case diary and the present petition has been filed by him only on the ground that there are sufficient progress of the investigation and in the same time, it is submitted that the petitioner had no intention to kill the informant/victim and the entire incident had happened in a general meeting, wherein after some altercation there might have some tussle between two groups and apart from that he has not committed any such offence as alleged in the FIR. More so, as per the medical report, he sustained minor injury and if he would have any intention to kill the victim, he could have assault him repeatedly on the vital part to attract Section 307 IPC. More so, he submitted that he being a boy of tender age, may be granted one more chance to cooperate with the I.O. in further investigation of this case.

Mr. Das, learned Additional Public Prosecutor, Assam, has submitted that there is no new or urgent ground in the present petition, on the basis of which the present pre-arrest bail application has been filed. However, Mr. Das submitted that considering the progress of investigation and the injuries sustained by the victim, vis-a-vis considering the age of the accused/petitioner, one chance may be given to cooperate the I.O. in the investigation of this case.

Considering the submission made by the learned counsel for both sides and also considering the progress of investigation and other aspects of the case, I find that this is a fit case to extend the privilege of pre-arrest bail to the present accused/petitioner, so that he can appear before the I.O. and cooperate in the investigation of this case.

Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Md. Rohidul Islam @ Rohidul Ali, in connection with Patacharkuchi P.S. Case No.46/2024 under Section 326/307 IPC, he shall be enlarged on pre-arrest bail on his

executing a bond of Rs.20,000/- (Rupees twenty thousand) only, with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:-

- (i) that the petitioner shall appear before the Investigating Officer of the case within a period of 10(ten) days from today;
- (ii) that the petitioner shall fully cooperate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. case; and
- (iii) 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 him from disclosing such facts to the Court or to any police officer.

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

Case diary be returned.

Sd/- *Mitali Thakuria*
JUDGE

Comparing Assistant