

GAHC010109152024



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

Case No. : AB/1435/2024

SHIRAJUL ISLAM
S/O LATE MAINUDDIN, R/O LAHARIGHAT, WARD NO. 9, P.S.-MOIRABARI,
DIST- MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 11-06-2024

Heard Mr. H.R.A. Choudhury, learned Senior counsel for the petitioner Shirajul Islam, who has filed this application under Section 438 of the Code of Criminal Procedure, 1973 with a prayer for pre-arrest bail as he is apprehending arrest in connection with Moirabari Police Station Case No. 76/2024 under Section 147/148/325/448/354(B)/436/326/307 of the Indian Penal Code, 1860.

2. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioner is that he along with his family members assaulted the informant and her family members, causing grave injuries on Abdul Samad @ Samed Ali, Dildar Hussain and Rumena Begum and other family members of the informant.

4. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary.

5. It is submitted at the bar that there was a group clash among the family members relating to a land dispute. The petitioner is related to the informant and injured person. The victim Abdul Samad @ Samed Ali has sustained grievous injuries on his head caused by a blunt object and Dildar Hussain and Rumena Begum also sustained simple injuries on their heads caused by blunt objects.

6. After going through the Case Diary, it appears that anticipatory bail can be granted to the petitioner Shirajul Islam.

7. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

(i) The petitioner shall appear before the Investigating Officer within 1 (One) week and cooperate with the investigation.

(ii) The petitioner shall refrain from such activities with which he is alleged.

(iii) The petitioner shall not leave the jurisdiction of the jurisdictional Court

without prior permission and

(iv) The petitioner shall not exercise threats to the witnesses.

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

10. In the above terms, this Anticipatory Bail application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant