

GAHC010138362024



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

Case No. : Bail Appln./1776/2024

MD. WASINUR RAHMAN @ WASINUR RAHMAN
S/O LATE ABDUL MUTALIB
RESIDENT OF VILLAGE KUTUBPUR
PS BIHPURIA
DIST LAKHIMPUR
ASSAM

2: MD. REJAUL ISLAM @ REJAUL ISLAM @ RAZAKUL ISLAM
S/O LATE ABDUL MUTALIB
RESIDENT OF VILLAGE KUTUBPUR
PS BIHPURIA
DIST LAKHIMPUR
ASSAM
VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for : MAHIBUR RAHMAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 18.07.2024

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

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail to the accused/ petitioners, who have been arrested in connection with North Lakhimpur P.S. Case No. 141/2024, under Sections 120(B)/143/ 147/326/307/338/333 of the Indian Penal Code *read with* Section 4 of PDPP Act.

Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that though the Case Diary was called for, but they have not received the same from the I.O. concerned.

In this context, Mr. Rahman, learned counsel for the petitioners, has submitted that it is a fact that on the day of incident, the present accused/petitioners were also present in the police station due to the custodial death of their relative. But they have not committed the offence as alleged in the F.I.R. or attacked the police personnel, though there was an altercation and push and pull between the police personnel and the villagers and in that process, out of anger, some of the persons might have taken some steps and committed the offence. But the present petitioners have not committed the

alleged offence and they were arrested only because they were present at the police station at that point of time and they are behind the bar since 28.05.2024 and hence, the I.O. got sufficient time for their custodial interrogation. More so, this Court, in Bail Appln. No. 1639/2024, Bail Appln. No. 1640/2024, Bail Appln. No. 1787/2024 and Bail Appln. No. 1939/2024, has already granted bail to the other co-accused persons considering their length of detention and hence, on the ground of parity also, the present accused/petitioner may be released on bail.

Considering the submissions made by the learned counsels for both sides and also considering the entire facts and circumstances of the case and further considering the fact that the other co-accused persons have already been granted bail by this Court, viz-a-viz the length of detention already undergone by the present accused/petitioner, I find that further custodial interrogation of the present accused/petitioners seems to be not necessary here in this case and therefore, I find it a fit case allow the accused/petitioners to go on bail.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, North Lakhimpur, Lakhimpur, the accused/ petitioners, namely, (i) Md Wasinur Rahman @ Wasinur Rahman & (ii) Md Rejaul Islam @ Rrejaul islam @ Razakul Islam, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make himself 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 him 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, North Lakhimpur, Lakhimpur, without prior permission.

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

JUDGE

Comparing Assistant