GAHC010123892024

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

Case No. : Bail Appln./1787/2024

SAYED MOFIJUR RAHMAN @ MD. MOFIJUR RAHMAN
S/O LATE SAYED AJIJUR RAHMAN
R/O 14 NO. WARD, PUB CHANDMARI,
P.S. NORTH LAKHIMPUR,
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 28.06.2024

Heard Mr. S. Munir, learned counsel for the petitioner. Also heard Mr. K. Baishya, 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/ petitioner, who has 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.

From the order dated 20.06.2024, passed by this Court in Bail Appln. No. 1639/2024, which is a connected matter arising out of same F.I.R., it is seen that the Case Diary was directed to be retained and the learned Additional Public Prosecutor was directed to call for the injury report.

However, it is submitted by Mr. K. Baishya, learned Additional Public Prosecutor, that due to some miscommunication, they have returned the Case Diary to the I.O. concerned. However, till date, they have not received any information/intimation from the I.O. in regards to the collection of the injury report of the injured, i.e. the police officer.

In this context, Mr. S. Munir, learned counsel for the petitioner, has submitted that it is a fact that one mob of villagers came to the police station after the custodial death of a innocent person and in that regard 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 petitioner has not committed the alleged offence. However, the accused/petitioner is behind the bar since 25.05.2024 and hence, the I.O. got sufficient time for his custodial interrogation. He further that it is not a case of an organization under whose direction the offence was committed, but it is the public who gathered in the police station due to the custodial death of a innocent person and in that process, some people might have committed the alleged offence but the present petitioner, though present in the mob, has not committed the offence and he is innocent and only a silent spectator.

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 length of detention already undergone by the present accused/petitioner, I find that further custodial interrogation of the present accused/ petitioner seems to be not necessary here in this case and therefore, I find it a fit case allow the accused/petitioner 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/petitioner, namely, Sayed Mofijur Rahman @ Md. Mofijur Rahman, be enlarged on bail, subject to the following conditions:

(i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) that the petitioner 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 petitioner 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