

GAHC010144202024



2024:GAU-AS:11223

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

Case No. : AB/1882/2024

JAHIRUL ISLAM
S/O ANOWAR HUSSAIN, R/O VILL- JOGIGHOPA BATIPARA, P.O. AND P.S.-
JOGIGHOPA, DIST- BONGAIGAON, ASSAM, PIN-783382

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR G CHAMUAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

18-11-2024

Heard Mr. G Chamuah, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. By this application under Section 482 of the BNSS, 2023, apprehending his arrest, petitioner, namely, **Jahirul Islam**, son of Anowar Hussain, resident of village-Jogighopa Batipara, P.S.-Jogighopa, District-Bongaigaon, is seeking pre-arrest bail in Jogighopa Police Station Case No. 112/2024 registered under Section 311 of the BNS, 2023 corresponding to N.G.R. No. 314/2024.

3. As per the FIR dated 05.07.2024 lodged by the informant before the Officer-in-Charge of Jogighopa Police Station, the case is that the petitioner along with two others on the night of 03.07.2024 at about 12:30 AM on a motorcycle bearing Registration No. AS-19/T-1283 came to the house of the informant with the intention of committing robbery with sharp weapons. They entered through breaking the window and took away Rs. 1,50,000/- and some gold ornaments. When the son of the informant approached, the accused persons tried to kill him using sharp weapon by assaulting him on his head and thereby injuring him severely. When the three daughters and another son of the informant tried to apprehend them, the accused persons also attacked them with sharp weapon with the intention of killing them. Thereafter, the accused persons including the present petitioner fled away.

4. Accordingly, Jogighopa Police Station Case No. 112/2024 corresponding to N.G.R. No. 314/2024 was registered under Section 311 of the BNS, 2023.

5. The Court by order dated 24.07.2024 while granting interim pre-arrest bail to the petitioner, named above, in said Jogighopa P.S. Case No. 112/2024 also called for the said case diary. Pursuant to the said interim bail, the petitioner appeared before the concerned Investigating Officer of the case and his statement has been recorded by the concerned I.O. of the case.

6. Perused the case diary placed before the Court today by Mr. K K Parashar, learned APP, Assam.

7. Considering the materials in the case diary, the Court is of the view that custodial detention of the petitioner is not warranted for further investigation of said Jogighopa Police Station Case No. 112/2024. Accordingly, this pre-arrest bail application of the petitioner is accepted.

8. Accordingly, the interim pre-arrest bail granted to the petitioner on 24.07.2024 in said Jogighopa P.S. Case No. 112/2024 corresponding to N.G.R. No. 314/2024 is hereby made absolute, subject to the compliance of the terms and conditions as specified in the said order dated 24.07.2024 and also on compliance of the conditions that the petitioner – (i) shall appear before the concerned Investigating Officer of said Jogighopa P.S. Case No. 112/2024, as and when he is required for necessary investigation of the case and (ii) shall not indulge himself in any criminal activities.

- 9.** Any violation of the aforesaid terms and conditions as well as the terms and conditions as specified in the order dated 24.07.2024, noted above, by the petitioner, the pre-arrest bail granted to him in said Jogighopa P.S. Case No. 112/2024 shall stand automatically vacated.
- 10.** This pre-arrest bail application accordingly stands disposed of.
- 11.** Return the case diary.

JUDGE

Comparing Assistant