

GAHC010148412024



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

Case No. : AB/1940/2024

NAZIBUL ISLAM AND ANR
S/O SABUR ALI
R/O VIL- BOGULAMARI
P.S. DHUBRI
DISTRICT- DHUBRI, ASSAM

2: HASIBUL ISLAM
S/O SABUR ALI
R/O VILL- BAGULAMARI
P.S. DHUBRI
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. I CHOUDHURY, M INGTI

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 03.09.2024

Heard Mr. R. L. Chutia, learned counsel for the applicants. Also heard Mr. R. R. Kaushik, learned Addl. Public Prosecutor appearing for the State respondents.

The present application under Section 438 of the Cr.PC., 1973 has been filed, praying for pre-arrest bail to the applicants in connection with Dhubri P.S. Case No. 73/2024, under Sections 143/302 IPC.

The said case was so registered basing on a FIR dated 11.03.2024, filed by one Taijuddin Sk as informant, wherein, it has been alleged that the accused no. 1 and accused no. 2 named in the FIR had assaulted the father of the informant, resulting in his death. The applicants, herein, were arrayed as accused no. 3 & 4 in the FIR. However, on perusal of the FIR, no specific allegation has been so leveled against the accused no. 3 & 4 therein, i.e. the present applicants.

I have perused the Case Diary as produced by R. R. Kaushik, learned Addl. Public Prosecutor appearing for the State respondents and it is nowhere to be found that there is any specific material brought on record, implicating the applicants, herein, with the assault so occasioning on the father of the informant.

It is also to be noted that the accused no. 1, who, as per the FIR, assaulted the father of the informant was already enlarged on bail by the Court of the learned Addl. Sessions Judge, Dhubri, vide the order dated 13.06.2024.

In view of the above discussions, I am of the considered view that the applicants, herein, are entitled to pre-arrest bail and accordingly, it is directed that in the event of arrest of the applicants, herein, in connection with Dhubri P.S. Case No. 73/2024, under Sections 143/302 IPC, they shall be enlarged on bail on

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

1. The applicants shall appear before the Investigating Officer and record their statements within a period of 7(seven) days from today.
2. The applicants 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/her from disclosing such facts to the Court or to any Police Officer.

With the above observations and directions, the Anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant