

GAHC010158882024



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

Case No. : AB/2090/2024

SULTANA BEGUM AND 2 ORS
D/O REZAUL KORIM
R/O VILL- BHOTDOBA, P.S. PHULBARI,
DIST. WEST GARO HILLS, MEGHALAYA.

2: REZAUL KORIM
S/O NURUZ ZAMAN SK.
R/O VILL- BHOTDOBA
P.S. PHULBARI
DIST. WEST GARO HILLS
MEGHALAYA.

3: SAMIUL ISLAM
S/O ABDUL SOHED ALI
R/O VILL- BHOTDOBA
P.S. PHULBARI
DIST. WEST GARO HILLS
MEGHALAYA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M A ISLAM, MR J I MONDAL

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 28.08.2024

Heard Mr. M.A. Islam, learned counsel for the petitioners. Also heard Mr. K. Baishya, learned APP appearing for the State.

2. By this application under section 482 of BNSS, 2023, the petitioner no.1, namely, Sultana Begum; petitioner no.2, namely, Rezaul Korim; and petitioner no.3, namely, Samiul Islam are seeking pre-arrest bail in connection with South Salmara P.S. Case No. 108/2024, under Sections 147/148/149/353/333/336/325/326/307/365/379/411 IPC, read with Section 13(1)/16 of the ACP Act, 2021.

3. The learned counsel for the petitioners has submitted that the petitioner no.1 is an Anganwadi Worker at Bhotdoba; petitioner no.2 is a Member of Village Employment Council; and the petitioner no.3 is a resident of Bhotdoba village. It is submitted that a mob of around 150 persons had attacked police personnel who had gone to Takimari village and had taken into custody persons who are involved in cattle smuggling. It is submitted that although the petitioners were not involved in the alleged attack, police were searching for them and accordingly, this application has been filed.

4. The learned APP has produced the case diary and has opposed the prayer for pre-arrest bail on the ground that the petitioner no.3 is involved in the attack of police personnel after they had apprehended cattle smugglers, who were smuggling cattle into the territory of Bangladesh after crossing river Brahmaputra.

5. On a perusal of the case diary, it appears that the case diary contains

a note of the involvement of the petitioner no.3 in the racket of cattle smuggling and he is also one of the suspect in the mob attack on the police personnel. However, on the perusal of the case diary, the Court is inclined to grant pre-arrest to the petitioner nos.1 and 2 by providing that in the event of their arrest, the petitioner no.1, namely, Sultana Begum and petitioner no.2, namely, Rezaul Korim in connection with the aforesaid case, they shall be released on interim bail on furnishing bail bond of Rs.30,000/- each with one solvent surety of like amount to the satisfaction of the arresting officer.

6. The pre-arrest bail is granted on the following conditions:

- a. That the petitioner nos.1 and 2 shall make themselves available to the police or any other investigating agency or Court in the present case as and when required.
- b. That the petitioner nos.1 and 2 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 Court or to any police officer or tamper with the evidence. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
- c. That the petitioner nos.1 and 2 shall not obstruct the smooth progress of the investigation/trial.
- d. That the petitioner nos.1 and 2 shall not misuse their liberty in any manner.
- e. That the petitioner nos.1 and 2 shall not jump over the bail.
- f. The petitioner nos.1 and 2 shall appear before the I.O. within 10 (ten) days from today and they shall continue to appear once in every

month till charge-sheet is filed or their appearance is dispensed with by the I.O, whichever is earlier.

7. Insofar as the prayer for pre-arrest bail for petitioner no.3, namely, Samiul Islam is concerned, as there are sufficient materials to implicate him in the offence of cattle smuggling, the Court does not find this to be a fit case for enlarging him on pre-arrest bail in the interest of investigation.

8. Accordingly, the prayer for pre-arrest bail for petitioner no.3 is rejected.

9. This application stands disposed of.

10. Case diary is returned.

JUDGE

Comparing Assistant