

GAHC010174622024



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

Case No. : AB/2279/2024

ABDUR REZZAK
S/O LT. JAYNAL ABDIN, R/O PASCHIM MOINBORI, P.S.-KALGACHIA, DIST-
BARPETA, ASSAM, PIN-781321

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR G CHAMUAH,

Advocate for the Respondent : PP, ASSAM,

Linked Case : AB/2108/2024

ABDUL HAI AND 2 ORS
S/O TAIZ UDDIN
VILL- FULOR CHAR

P.S. KALGACHI
DIST. BARPETA
ASSAM
PIN- 781321

2: MOFIDUL ISLAM
S/O ABDUL KADER
VILL- FULOR CHAR

P.S. KALGACHI
DIST. BARPETA

ASSAM
PIN- 781321

3: ABDUS SALAM
S/O HUSEN ALI
VILL- FULOR CHAR

P.S. KALGACHI
DIST. BARPETA
ASSAM
PIN- 781321
VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : PUJA GHOSH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 07.11.2024

Heard Mr.HRA Choudhury, learned Sr. Counsel assisted by Mr. A.M. Ahmed, learned counsel appearing for the petitioners in AB No. 2108/2024 and Mr. G. Chamuah, learned counsel appearing for the petitioner in AB No.2279/2024. Also heard Mr. Bankim Sarma, learned Additional P.P. for the State of Assam.

2. Both these applications are filed under Section 482 of the BNSS, 2023 in respect of Kalgachia P.S. Case No. 63/2024.
3. On 25.05.2024, the 43 year old deceased Ainal Hoque Mondal went missing. Later on his dead body was recovered, which was floating in the river. At that time his hands and feet were tied with a plastic rope and the neck was tied with a piece of cloth.
4. The case diary reveals that there sufficient materials against the petitioners Abdul Hai

and Mofidul Islam but there are no materials against Abdus Salam and Abdur Rezzak.

5. I have considered the submissions made by the learned counsels of both sides.

6. Considering the materials available against Abdul Hai and Mofidul Islam, their prayer for bail is rejected.

7. This Court is of the opinion that for the aforesaid circumstances, the present petitioners, Abdus Salam and Abdur Rezzak do not deserve to be detained in custody. Therefore, their pre-arrest bail application is allowed.

8. It is hereby directed that in the event of arrest in connection with Kalgachia P.S. Case No. 63/2024, the petitioners, Abdus Salam and Abdur Rezzak shall be released on bail of Rs.20,000/- each with a surety of like amount to the satisfaction of the arresting authority.

9. Both the petitioners shall appear before the Investigating Officer within next 7 (seven) days from today.

10. With the aforesaid directions, the bail application stands disposed of
CD shall be returned.

JUDGE

Comparing Assistant