

GAHC010164622024



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

AB/2138/2024

NURUL ISLAM ALIAS NUR ISLAM AND ORS
S/O KOYSER ALI

RESIDENT OF MOLAKHOWA
PS SUKCHAR
DIST SOUTH SALMARA MANKACHAR
ASSAM 783135

2: NURUL AZIM @ NUR AZIM
S/O KOYSER ALI

RESIDENT OF MOLAKHOWA
PS SUKCHAR
DIST SOUTH SALMARA MANKACHAR
ASSAM 783135

3: ASHIDUR SK
S/O KOYSER ALI

RESIDENT OF MOLAKHOWA
PS SUKCHAR
DIST SOUTH SALMARA MANKACHAR
ASSAM 783135
VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

2:MOZZAFOR SHEIKH
S/O LATE SIRAJUL HOQUE

RESIDENT OF VILLAGE BERABHANGA PART II PS SUKCHAR

DIST SOUTH SALMARA MANKACHAR
ASSAM 783128

Advocate for : MR. A Z AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 06-09-2024

Heard Mr. H.R.A. Choudhury, learned senior counsel assisted by Mr. A. Khaleque, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam appearing for the State respondent.

The present application has been instituted seeking pre-arrest bail by the petitioner namely, **1.** Nurul Islam @ Nur Islam **2.** Nurul Azim @ Nur Azim and **3.** Ashidur Sk in connection with Sukchar P.S. Case No.39/2024 under Sections 120(B)/341/326/352/307/379/427 IPC.

The above noted case was so registered basing on the FIR lodged by Mozzafor Sheikh alleging therein that the petitioners herein, along with other accused persons had assaulted his younger brother viz, Mukul Hoque, and snatched away an amount of Rs.40,000/- from him. It was alleged that there was a conspiracy to kill the younger brother of the informant.

Mr. P. Borthakur, learned Additional Public Prosecutor has produced the case diary, which contains the statement of the injured Mukul Hoque. It is seen that the said victim had not implicated the present petitioner in the matter.

In view of the above position, this Court is of the view that a case has been made out by the petitioner for being extended with the privilege of pre-arrest bail.

Accordingly, in the event of arrest of the petitioners named above in connection with Sukchar P.S. Case No.39/2024 under Sections 120(B)/341/326/352/307/379/427 IPC, they shall be released on bail on furnishing a bail bond of Rs.20,000/- each with a suitable surety each of the like amount to the satisfaction of the Arresting Authority subject to the following conditions:-

i. the petitioners shall appear before the I/O within 7 (seven) days from today;

ii. the petitioners 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 them from disclosing such facts to the Court or any other police officer, and

iii. the petitioners shall not hamper the investigation or temper with the evidence of the case.

With the above observation, the Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant