

GAHC010171852024



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

Case No. : Bail Appln./2548/2024

MD. MANJIL HOQUE
S/O MD. ANOWAR HUSSAIN
R/O VILL- AMBARI
PT-III
CHELABORI
P.S.-DHUPDHARA
DIST- GOALPARA
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. B CHOWDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 10.09.2024

- 1.** Heard Mr. B. Chowdhury, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State.

2. This application under Section 483 of the BNSS, 2023 has been filed by the petitioner, namely, *Md. Manjil Hoque*, who has been detained behind the bars since 29.06.2024 (for last 74 days) in connection with Dhupdhara P.S. Case No. 41/2024 under Sections 148/447/325/326/506 of the Indian Penal Code.

3. The gist of accusation in this case is that on 28.06.2024 2024, one Jonali Begum had lodged an FIR against 21 numbers of accused persons including the present petitioner, *inter alia*, alleging that the accused persons named in the FIR had illegally entered into the land of the informant's brother's father-in-law, Shahinur Islam and assaulted the husband of the informant along with four other persons causing serious injuries on their persons.

4. The learned counsel for the petitioner has submitted that the disputes between the parties are mainly relating to possession of a plot of land and is of civil nature. He further submits that due to the land dispute between the parties, there was an altercation between them, as a result of which the family members of the informant has assaulted the family members of the petitioner's side and an FIR to that effect was also lodged by the wife of the present petitioner, which was registered as Dhupdhara P.S. Case No. 40/2024.

5. The learned counsel for the petitioner has also submitted that the petitioner has been detained behind the bars since last 74 days, and considering the period of detention, he may be allowed to go on bail. It is also submitted by the learned counsel for the petitioner that the petitioner shall co-operate in the investigation.

6. On the other hand, learned Additional Public Prosecutor has produced the case diary of Dhupdhara P.S. Case No. 41/2024 and has submitted that

there are incriminating materials against the petitioner in the case diary, and four of the independent witnesses not connected with the dispute between the parties have also implicated him in the offence alleged. It is also submitted by the learned Additional Public Prosecutor that the four victims sustained injuries in the incident. However, as the injury report from Guwahati Medical College and Hospital could not be collected, hence the nature of injuries cannot be ascertained at this stage. He vehemently opposed the grant of bail to the present petitioner.

7. I have considered the submissions made by the learned counsel for both the parties and have gone through the materials available before the Court, including the case diary of Dhupdhara P.S. Case No. 41/2024.

8. Though, there are incriminating materials against the present petitioner in the case diary, however, it appears that the petitioner has been detained behind the bar for last 74 days, and his statement has also been recorded under Section 180 of the BNSS, 2023.

9. Hence, considering period of detention already undergone by the petitioner, this Court is of considered opinion that if the petitioner co-operates with the Investigating Officer, his further custodial detention may not be necessary for fair completion of the Dhupdhara P.S. Case No. 41/2024.

10. In view of the above named petitioner is allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Goalpara with following conditions:-

- i. The petitioner shall co-operate in the trial.

ii. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person or persons who may be acquainted with the facts of this case so as to dissuade such persons from disclosing such facts before Investigating Officer.

11. With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant