

GAHC010241912023



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

Case No. : AB/3638/2023

AKHIRUL ISLAM AND 2 ORS.

S/O- ABDUR RAHIM, R/O- VILL- BEKARDOBA, SONAPUR, P.O-
PURANDIARA, P.S- MANKACHAR, DIST- SOUTH SALMARA MANKACHAR,
ASSAM, PIN- 783131

2: MONIRUL ISLAM

S/O- ABDUR RAHIM

R/O- VILL- BEKARDOBA

SONAPUR

P.O- PURANDIARA

P.S- MANKACHAR

DIST- SOUTH SALMARA MANKACHAR

ASSAM

PIN- 783131

3: ABDUR RAHIM

S/O- LATE SURAT ZAMAN @ SURAT ALI

R/O- VILL- BEKARDOBA

SONAPUR

P.O- PURANDIARA

P.S- MANKACHAR

DIST- SOUTH SALMARA MANKACHAR

ASSAM

PIN- 78313

VERSUS

THE STATE OF ASSAM

REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M ISLAM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 04.01.2024

Heard Mr. M.Islam, learned counsel for the petitioners. Also heard Mr.B.B.Gogoi, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioners, namely, **1. Akhirul Islam, 2. Monirul Islam and 3. Abdur Rahim** in connection with **Mankachar P.S. Case No. 367/2023 (GR Case No. 875/2023)** registered under Sections **120B/341/326/307** of the IPC.

Case diary is received without the medical report.

Learned Addl.P.P. submits that the investigating officer in spite of several attempts could not collect the medical report of the victim. However, as per report of the investigating officer, the victim sustained simple injury on right side of his eyes.

The allegation in the FIR reveals that brother of the informant was assaulted by the present petitioners along with co-accused person when he was going to Hatsingimari Market resulting in grievous injuries on lower part of right eye, nose and head.

The learned counsel for the petitioner submits that prior to lodging of the present FIR, the present petitioners lodged an FIR against the informant and his family members and case was registered accordingly on the same section of law. The learned counsel for the petitioners submits that the informant had lodged a false case against them and such, considering the nature of allegation, pre-arrest bail may be granted to them.

The learned Add.P.P. submits that the victim sustained simple injury on his right eye as reported by Investigating officer.

Having heard learned counsel for the parties and on considering the nature of

allegation and also on perusal of case diary, this Courts finds that custodial interrogation of the petitioners are not required for the purpose of investigation of the case. Therefore, the petitioners may be granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioners, named above, in connection with the aforementioned case, they shall be released on pre-arrest bail on furnishing bail bond of **Rs.20,000/-** each with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioners:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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 the Court or to any police officer.

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant