

GAHC010261852023



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

Case No. : AB/3937/2023

JAHIDUL ISLAM AND 2 ORS
S/O FAYEJ UDDIN SHEK
R/O BARBALA P.S. HOWLY
DIST. BARPETA, ASSAM
PIN-781316

2: RAZINA BEGUM
W/O JAHIDUL ISLAM
R/O BARBALA
P.S. HOWLY
DIST. BARPETA
ASSAM
PIN-781316

3: JAYTAN NESSA
W/O ABU KALAM
R/O BARBALA

P.S. HOWLY
DIST. BARPETA
ASSAM
PIN-78131

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

24.01.2024

Heard Mr. R. Ali, learned counsel for the applicants and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Howly P.S. Case No.188/2023, under Section 120(B)/448/294/325/353/506 IPC, this application under Section 438 Cr.P.C. is preferred by three applicants, namely, Jahidul Islam, Razina Begum and Jaytan Nessa, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Talebar Rahman on 06.11.2023. The essence of allegation made in the aforesaid FIR is that on 31.10.2023, at about 12:15 p.m., accused Jahidul Islam, Rezina Begum and Jaytan Nessa entered into the school premises and rebuked him with abusive words and also assaulted him. As a result of which he sustained injuries over his head and face and also attempted to kill him and thereafter, ousted him from the school premises.

4. Mr. Ali, learned counsel for the applicants submits that this Court vide order dated 22.11.2023, was pleased to grant the privilege of interim pre-arrest bail to applicant Nos.2 and 3, namely, Razina Begum and Jaytan Nessa, respectively, and accordingly, those two applicants have appeared before the I.O. and they have been cooperating with the investigating agency. However, Mr. Ali submits that as the applicant No.1, namely, Jahidul Islam was not granted the privilege of interim pre-arrest bail, he was arrested by police and forwarded to the jail hazot and as such, Mr. Ali is pressing this application only in respect of applicant Nos.2 and 3, namely, Razina Begum and Jaytan Nessa, respectively. Mr. Ali further submits that the applicant Nos.2 and 3 have been cooperating with the

investigating agency and therefore, it is contended to make the interim order dated 22.11.2023 absolute, in the same terms and conditions.

5. Whereas Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, submits that in the meantime, the I.O. has completed investigation and submitted charge-sheet, being Charge-Sheet No.158/2023, dated 30.11.2023, under Section 120(B)/448/294/323/353/506 IPC.

6. Since, after completion of investigation the I.O. has submitted charge-sheet against the applicants, this Court is inclined to dispose of this application by directing the applicant Nos.2 and 3, namely, Razina Begum and Jaytan Nessa to appear before the learned Court below on or before 09.02.2024, and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law. Till then, interim order dated 22.11.2023, stands extended.

7. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant