

GAHC010266082023



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

Case No. : AB/4010/2023

ABDUL HANNAN AND 3 ORS
S/O ABDUL KHALEQUE
R/O SINGIMARI
P.S. RUPAHIHAT
DIST. NAGAON, ASSAM

2: JAIBUR RAHMAN
S/O SAHAB UDDIN
PERMANENT RESIDENT OF
R/O FUTAKOLONG
P.S. RUPAHIHAT
DIST. NAGAON
ASSAM

3: ASIYA RAHMAN
W/O SAHAB UDDIN
PERMANENT RESIDENT OF
R/O FUTAKOLONG
P.S. RUPAHIHAT
DIST. NAGAON
ASSAM

4: FUJAIL AHMED
S/O JAIBUR RAHMAN
PERMANENT RESIDENT OF
R/O FUTAKOLONG
P.S. RUPAHIHAT
DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : S AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

02.02.2024

Heard Ms. A. Hussain, learned counsel for the applicants and also heard Ms. A. Begum, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Rupahihat P.S. Case No.336/2023 under Section 147/148/448/365/506 IPC, this application under Section 438 Cr.P.C. is preferred by four applicants, namely, Abdul Hannan, Jaibur Rahman, Asiya Rahman and Fujail Ahmed, for grant of pre-arrest bail.

3. It appears that vide order dated 05.12.2023 the learned Additional P.P. was directed to produce the case diary before this Court. Today, the learned Additional P.P. apprises this Court that the I.O. has completed investigation and submitted charge-sheet, being Charge-Sheet No.336/2023, dated 05.12.2023, against three applicants, namely, Abdul Hannan, Jaibur Rahman and Fujail Ahmed, under Section 366/354/34 IPC.

4. In view of the submission of the learned Additional P.P. and also in view of the facts and circumstances on the record, this Court is inclined to dispose of this application by directing the applicants, namely, Abdul Hannan, Jaibur Rahman and Fujail Ahmed to appear before the learned Court below on or before 20.02.2024, 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. Since, applicant No.3 Asiya Rahman has not been

charge-sheeted by the I.O., as such, her prayer become infructuous and accordingly, the same stands dismissed.

5. Till then, it is provided that in the event of arrest of the applicant Nos.1, 2 and 4, namely, Abdul Hannan, Jaibur Rahman and Fujail Ahmed, in connection with Rupahihat P.S. Case No.336/2023 under Section 147/148/448/365/506 IPC, they shall be released on interim pre-arrest bail on their executing a bond of ₹ 50,000/- each, with one surety of the like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:-

- (i) The applicant Nos.1, 2 and 4 shall appear before the learned Court below on or before 20.02.2024;
- (ii) The applicant Nos.1, 2 and 4 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; and
- (iii) The applicant Nos.1, 2 and 4 shall not leave the jurisdiction of the learned S.D.J.M., Kaliabor, without prior permission.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant