GAHC010282842023

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

Case No. : AB/4223/2023

SAIBUL HOQUE
S/O LATE SAFIR UDDIN
R/O IVLL- KAIMARI PART-4, P.O. KAIMARI, P.S. GOLAKGANJ, DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR I HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 11-01-2024

1. Heard Mr. I. Haque, learned counsel for the petitioner.

2. The petitioner Saibul Hoque has filed this application u/s 438 Cr.PC with prayer of pre-arrest bail as he is apprehending arrest in connection with Golakganj Police Station Case No. 432/2023 corresponding to GR Case No. 1770/2023 under Section

120(B)/341/353/294/333/427/34 IPC read with Section 3 of the PDPP Act.

3. Heard Ms. N. Das, learned Addl. P.P., Assam.

4. The learned Addl. PP has raised serious objection stating that the allegation is relating to destruction of public property and deterring the government servants from performing their official duties.

5. The FIR unfolds that on 26.10.2023 the informant along with his associates arrived at Booth No. 25 & 26 of village Kaimari Part-3 as per order of higher authority for verification. Then the petitioner and his associates demanded that the work should be stopped and they also exhorted the officials to leave the place of occurrence. They obstructed the government work and verbally abused the officials. They also destroyed the government vehicle bearing Registration No. AS-17K/2533.

6. I have perused the Case Diary. There are indeed incriminating materials in the Case Diary against the petitioner. However, investigation has progressed to a considerable extent. The custodial interrogation of petitioner may not be required. The petitioner is a local resident and submitted that he would not jump the bail. The petitioner has pledged to co-operate with the remaining part of the investigation.

7. Considering all aspects, petition is allowed. In the event of his arrest the petitioner shall be enlarged on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:-

[i] The petitioner shall appear before the IO within 10 days from today and co-operate with the investigation;

[ii] the petitioner shall not tamper with the evidence and not exercise threats to witnesses; and

[iii] the petitioner shall refrain from such activities with which he is alleged.

On breach of any of the bail conditions, bail order shall stand cancelled.

Send back the Case Diary.

JUDGE

Comparing Assistant