

GAHC010287932023



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

Case No. : AB/4303/2023

JAYNAL ABDIN MOLLIK @ JOYNAL ABDIN AND ANR
S/O ABDUL REJAK MOLLIK
R/O VILL- PANBARI, P.S. DHING
DIST. NAGAON, ASSAM

2: RAFIQUUL ISLAM
S/O ABDUL RAHIM
R/O VILL- PANBARI
P.S. DHING
DIST. NAGAON
ASSA

VERSUS

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

Advocate for the Petitioner : MR. A ALAM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

23.01.2024

Heard Mr. A. Alam, learned counsel for the petitioners. Also heard Mr. D. Das, learned Addl. P.P for the State.

This is an application under Section 438 of the Code of Criminal Procedure, 1973 for pre-arrest bail to the petitioners namely Sh. Jaynal Abdin Molik @ Joynal Abdin and Sh. Rafiqul Islam in connection with Dhing P.S. Case No. 201/2023 registered under Section 341/384/325/307/34 of the IPC.

The case of the prosecution in brief is that the accused petitioners on 07.11.2023 came to the house of the informant and demanded Rs. 50,000/- for settling the pending property disputes and since the informant did not pay the amount to them, they entered into an altercation with the informant's husband and threatened to kill him and left. It is further alleged that at about after two hours at around 11:15 AM, when the informant's husband reached the front of the house of the accused No. 2, the accused/petitioner Nos. 2 & 3 intercepted him and assaulted him by iron pipe on head and hand causing serious injuries. Accordingly, a case has been registered. Apprehending arrest, the petitioners have preferred the instant anticipatory bail application. The Case Diary called for is received and placed before the Court.

I have heard the submissions made at the bar and I have also perused the

Case Diary placed before this Court.

It appears from the Case Diary that the accused/petitioners have severely assaulted the informant's husband in the face and the medical report is also available on record indicating the same.

Considering the gravity of the offence, nature of allegations, this Court is not inclined to grant pre-arrest bail to the petitioners.

Accordingly, the application stands rejected.

Return the Case Diary.

JUDGE

Comparing Assistant