GAHC010147022020

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

Case No. : AB/2977/2020

MAIDUL ISLAM
S/O RIYAZ UDDIN @ RIJAY UDDIN, R/O VILL. CHENIMARI, KAKORJULAH, P.O. JAGIROAD, P.S. JAGIROAD, DIST. MORIGAON, ASSAM, PIN 782134

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MD. B ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

16.11.2020

Heard Mr. B. Islam , learned counsel for the petitioner and Mr. N.J. Dutta, learned Additional Public Prosecutor for the State of Assam.

By this application under Section 438 Cr.P.C., the petitioner, namely, ***Maidul Islam*** has prayed for pre-arrest bail apprehending arrest in connection with **Dispur P.S. Case No. 2176/2020** under Sections 341/324/307/392/365/34 of the IPC (Corresponding to G.R. Case No. 11061/2020).

The Case diary, as called for, is placed before the Court.

Mr. B. Islam, learned counsel for the petitioner, submits that the petitioner has been falsely implicated in the case with a motive to take revenge an old grudge on him and that he had not even any knowledge about such incident.

Mr. N.J. Dutta, learned Addl. PP, submits that the case diary reveals that the informant by an affidavit has attributed the alleged occurrence to apparent misunderstanding and he filed the F.I.R. on the investigation of other person.

The F.I.R. reveals the allegation that on 26.09.2020 at about 3.30 a.m., when the informant's two employees were returning after collecting proceed of fish selling at Guwahati, they attacked them by sharp weapons and tried to kill them at Khanapara and snatched away money, goods and key of their car.

On scrutiny of the case diary including the statement of one Safiqul Islam recorded under Section 164 Cr.P.C, this Court is of the prima facie view that there is some scope to attribute the petitioner's complicity in the commission of the alleged offences to a misunderstanding. Therefore, it is felt that the petitioner's custodial interrogation may not be warranted in the backdrop of evidence so far collected in the case.

Therefore, it is provided that in the event of arrest, the petitioner, named above, shall be released on pre-arrest bail of **Rs. 20,000/-** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

(i) That the petitioner shall appear before the Investigating Officer within 7 days from today; and

(ii) That the petitioner 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.

With the above directions, the petition stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant