GAHC010157152020

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

Case No. : AB/3138/2020

MAIDUL ISLAM KHAN AND 6 ORS.
S/O- LT. NURUL AMIN KHAN, R/O- VILL- KHANDAPUKHURI, P.O. AND P.S. MIKIRBHETA, DIST.- MORIGAON, ASSAM

2: SAHID ULLAH
S/O- LT. HAREJ ALI
R/O- VILL- KHANDAPUKHURI
P.O. AND P.S. MIKIRBHETA
DIST.- MORIGAON
ASSAM

3: AMIR UDDIN AHMED
S/O- LT. NURUDDIN AHMED
R/O- VILL- KOLMOUBARI
P.O. SUKDOL SARUBORI
P.S. MIKIRBHETA
DIST.- MORIGAON
ASSAM

4: ARIB UDDIN AHMED
S/O- LT. MUCHA SEKH
R/O- VILL- KOLMOUBARI
P.O. SUKDOL SARUBORI
P.S. MIKIRBHETA
DIST.- MORIGAON
ASSAM

5: TULARAM SAIKIA
S/O- LT. UPEN SAIKIA
R/O- VILL- KOLMOUBARI
P.O. SUKDOL SARUBORI
P.S. MIKIRBHETA
DIST.- MORIGAON
ASSAM

6: JAGAT SAIKIA
S/O- LT. BADAK SAIKIA
R/O- VILL- KOLMOUBARI
P.O. SUKDOL SARUBORI
P.S. MIKIRBHETA
DIST.- MORIGAON
ASSAM

7: BUBUL ALI
S/O- LT. JAINAL ABEDIN
R/O- VILL- KOLMOUBARI
P.O. SUKDOL SARUBORI
P.S. MIKIRBHETA
DIST.- MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR. J M A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

09-12-2019

This is an application made under **Section 438 Cr.P.C**., seeking pre-arrest bail by the petitioners, namely, **1. Maidul Islam Khan, 2. Sahid Ullah, 3. Amir Uddin Ahmed, 4. Arib Uddin Ahmed, 5. Sri Tularam Saikia, 6. Jagat Saikia** and **7. Bubul Ali,** have prayed for pre-arrest bail, apprehending arrest in connection with **Mikirbheta Police Station Case No. 452 of 2020**, registered **under Sections 120(B)/341/294/353/427 of the IPC**.

I have perused the petition including the copy of the FIR and the documents annexed therewith.

The case diary produced has also been perused.

Heard Mr. J.M.A. Choudhury, learned counsel for the petitioners as well as Mr. M.P. Goswami, learned Additional Public Prosecutor, appearing for the State of Assam.

It appears from the statement of the victim MLA that some persons abused him and wanted to deter him in his public duty. However, he has not alleged, in his statement, that he was assaulted or criminal force was applied to deter him in his public duty.

Such being the position, in the considered view of this case, custodial interrogation of the petitioner is not necessary.

Mr. Goswami, learned Additional Public Prosecutor has submitted that except petitioner Nos. 2 and 3, none of the other petitioners has appeared before the Investigating Police Officer in accordance with the order, dated 03-11-2020.

The petitioners have appeared before the Investigating Police Officer in accordance with the order, dated 03-11-2020 granting interim pre-arrest bail to them. Their statements have already been recorded and they have not misused the liberty granted to them.

Accordingly, the interim pre-arrest bail granted to the petitioners, vide order dated 03-11-2020, is made **absolute** by this order on the same terms and conditions.

However, the petitioners, except the petitioner Nos. 2 and 3, shall appear before the Investigating Police Officer within seven days from today, if not appeared already and in the event they have not appeared and they do not comply with this order, the State shall be at liberty to approach this Court seeking cancellation of the bail of petitioners.

The anticipatory bail application stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant