GAHC010159402020

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

Case No. : AB/3226/2020

SANIDUL HAQUE AND 2 ORS.
S/O. AMIR HAMZA, VILL. BALARCHAR, P.O. KIRTANPARA, P.S. MERERCHAR, DIST. BONGAIGAON, ASSAM.

2: IMDADUL HAQUE

3: AMIR HAMZ

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR. B HALDAR
Advocate for the Respondent : PP, ASSAM

BEFORE

THE HON'BLE MR JUSTICE PRASANTA KUMAR DEKA
O R D E R

27. 11. 2020

Heard Mr. S Barman, learned counsel for the petitioners. Mr. H Sarma, learned Additional Public Prosecutor for the State of Assam produced the case diary.

This is an application filed under Section 438 Cr.P.C. seeking pre-arrest bail to the accused petitioners, namely, 1) Sanidul Haque, 2) Imdadul Haque and 3) Amir Hamza in connection with Howly police station case No. 380/2020 under Sections 120(B)/420/376/34 IPC.

I have perused the statement of the victim under Section 164 Cr.P.C. and from the case diary it is found that she refused to be examined medically. Taking of Rs. 1,00,000/- is silent and not supported by any witnesses though the petitioner named three other persons in her statement. Accordingly, I am satisfied to grant the privilege of pre-arrest bail to the petitioner No. 1, Sanidul Haque and in the event of his arrest in connection with Howly Police Station Case No. 380/2020 under Section 120(B)/420/376/34 IPC, he shall be released on bail on furnishing bail bond of Rs.10,000/- with a suitable surety of the like amount, to the satisfaction of arresting authority. In respect of other two petitioners, namely, Indadul Haque and Amir Hamza, the interim order dated 11.11.2020 granting them pre-arrest bail is made absolute. The pre-arrest bail is granted on the following conditions:

(1) The petitioners shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,

(2) The petitioners shall not hamper with the investigation, or tamper with the evidence of the case,

(3) The petitioners 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 them from disclosing such facts to the Court or to any police officer,

(4) The petitioners shall continue to appear before the Investigating Officer of the above mentioned case after every 10(ten) days from the date of first appearance till such time the attendance is dispensed with by the said investigating officer.

Bail petition stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant