GAHC010261142019

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

Case No. : AB/3778/2019

ABDUL JABBAR AND 4 ORS.
S/O HABIBUR RAHMAN, R/O DHING GAON, P.S.-JURIA, DIST-NAGAON, ASSAM, PIN-782124

2: NAJRUL ISLAM
S/O ABDUL JABBAR
R/O DHING GAON
P.S.-JURIA
DIST-NAGAON
ASSAM
PIN-782124

3: NUR JAMAL
S/O ABDUL JABBAR
R/O DHING GAON
P.S.-JURIA
DIST-NAGAON
ASSAM
PIN-782124

4: MOJAMMEL HOQUE
S/O ABDUL JABBAR
R/O DHING GAON
P.S.-JURIA
DIST-NAGAON
ASSAM
PIN-782124

5: SHWAHIDUL ISLAM
S/O ABDUL JABBAR
R/O DHING GAON
P.S.-JURIA
DIST-NAGAON
ASSAM

PIN-78212

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

B E F O R E

HON'BLE MR. JUSTICE HITESH KUMAR SARMA

09-12-2020

This is an application, filed under Section 438 of the Cr.PC. seeking pre-arrest bail of the accused-petitioners, namely, ***1) Abdul Jabbar, 2) Najrul Islam, 3) Nur Jamal, 4) Mojammel Hoque, and 5) Shwahidul Islam,*** in connection with ***Juria P.S. Case No.403/2019*** registered under Sections ***498(A)/326/307/34*** of the Indian Penal Code.

Heard Ms. T. Som, learned counsel for the petitioners. Also heard Mr. NJ Dutta, learned Additional Public Prosecutor, Assam, appearing for the State Respondent.

Mr. Dutta, learned Additional Public Prosecutor submits that charge-sheet vide C.S. No.313/2020 dated 25.11.2020 has already been laid by the investigating officer.

Ms. Som, learned counsel for the petitioner has submitted that subsequently in the instant case, Section 302 of the IPC has been added.

In view of such facts including, the fact of laying of charge-sheet, this Court is of the view that petitioners No.2 to 4, who are already on interim bail vide order dated 14.11.2020, shall remain on interim protection for another 15 days from today and, within this period of 15 days, they shall approach the learned Court below with an appropriate application for bail, which the learned Court below shall consider on its own merit.

So far petitioners No.1 and 5 are concerned, in view of the fact that charge-sheet has been laid, *inter alia*, under Section 302 of the Indian Penal Code, their prayer for pre-arrest bail stands rejected.

In the event petitioners No.2 to 4 do not appear before the learned Court below within 15 days from today, the interim protection extended to them for next 15 days shall automatically stand vacated.

With the above observations and direction, this bail application stands disposed of.

JUDGE

Comparing Assistant