GAHC010284102019

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

Case No. : AB 4138/2019

1:KHAIRUL ISLAM @ KHAINUL ISLAM
S/O LATE AMZAD ALI, R/O VILL-MADHUSOULMARI PT. II, P.S.-GAURIPUR, DIST-DHUBRI, ASSAM

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

Date : 17-03-2020

This is an application, filed under Section 438 of the Cr.PC. seeking pre-arrest bail of the accused-petitioner, namely, Sri Khairul Islam @ Khainul Islam, apprehending arrest in connection with Gauripur P.S. Case No. 1258/2019 under Section 448/366(A)/323/506/34 IPC (GR No. 5243/2019).

Heard Mr. S.C. Biswas, learned counsel for the petitioner as well as Mr. M.P. Goswami, learned Additional Public Prosecutor, appearing for the State of Assam.

Perused the FIR and the documents annexed with the petition and also the case

diary produced today.

The allegation against the petitioner was that of kidnapping the nice of the informant.

Case diary does not reflect any cogent material justifying the necessity of custodial interrogation of the petitioner in the interest of investigation and as such the prayer for pre-arrest bail deserves to be allowed. Accordingly, it is provided that in the event of arrest of the petitioner, he shall be released on furnishing a bail bond of Rs. 20,000/- with one suitable surety of the like amount to the satisfaction of the arresting authority. The pre-arrest bail is subject to the following conditions.

1. The petitioner shall appear before the Investigating Officer within 15 days and co-operate with the investigation.
2. 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.

Bail application is disposed of.

Return the case diary.

JUDGE

Comparing Assistant