

GAHC010037292024



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

Case No. : AB/449/2024

HABIBUL ISLAM @ BAPPI AND 6 ORS.
S/O ABDUL KARIM MIAH,
R/O KHUDDAIDILA, P.S.- SOUTH SALMARA, DIST.- SOUTH SALMARA,
MANKACHAR, ASSAM.

2: HASANUR ISLAM
S/O ABDUL KARIM MIAH
R/O KHUDDAIDILA
P.S.- SOUTH SALMARA
DIST.- SOUTH SALMARA
MANKACHAR
ASSAM.

3: BAKKAR ALI
S/O FIRDUS ALI
R/OTUMNI LAUKHOB
P.S.- SOUTH SALMARA
DIST.- SOUTH SALMARA
MANKACHAR
ASSAM.

4: ABU SAMA
S/O FIRDUS ALI
R/O TUMNI LAUKHOB
P.S.- SOUTH SALMARA
DIST.- SOUTH SALMARA
MANKACHAR
ASSAM.

5: NUR HOQUE
S/O SUKKUR ALI
R/O TUMNI LAUKHOB
P.S.- SOUTH SALMARA
DIST.- SOUTH SALMARA

MANKACHAR
ASSAM.

6: JOHIRUL ISLAM
S/O NAZIR HUSSAIN
R/O TUMNI LAUKHOB
P.S.- SOUTH SALMARA
DIST.- SOUTH SALMARA
MANKACHAR
ASSAM.

7: SURMAN ALI
S/O BELLAL HUSSAIN
R/O TUMNI LAUKHOB
P.S.- SOUTH SALMARA
DIST.- SOUTH SALMARA
MANKACHAR
ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED P.P., ASSAM.

Advocate for the Petitioner : MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

31.05.2024

Heard Mr. S. Das, learned counsel for the applicants and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with South Salmara P.S. Case No.24/2024, under Section 143/447/333/353/323/294/506 IPC, this application under Section 438 Cr.P.C. is preferred by seven applicants, namely, Habibul Islam @ Bappi, Hasanur Islam, Bakkar Ali, Abu Sama, Nur Hoque, Johirul Islam and Surman Ali, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Dr. Mozibur Rahman, of Ambari village, on 05.01.2024. The essence of allegation made in the aforesaid FIR is that on 05.01.2024, at about 12:00 noon, while he was proceeding towards Assamese Department of South Salmara College after attending BA 2nd semester class, then one Surman Ali, Nur Hoque, Bappi, Bakkar Ali, Abdul Awal, Abu Sama, Hasanur Rahman, Nur Islam, Jahirul Islam and some others entered into the college compound all of a sudden and dragged him and assaulted him and also rebuked him with abusive words.

4. Mr. Das, learned counsel for the applicants submits that the applicants were granted the privilege of interim pre-arrest bail by this Court vide order dated 22.02.2024 and pursuant to the said order, all the applicants had appeared before the I.O. and cooperating with the investigating agency and therefore, a contention is being made to make the interim order dated 22.02.2024, absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, submits that he has not received the case diary. But, as per his instruction the I.O. has completed investigation and submitted charge-sheet, being Charge-Sheet No.53/2024, dated 30.04.2024, under Section 143/447/333/353/323/294/506 IPC.

6. In view of the submission of learned Advocates of both sides, this Court is inclined to dispose of this anticipatory bail application by directing the applicants to appear before the learned Trial Court on or before **20.06.2024** and to apply for regular bail, and in the event of filing such an application, the learned Trial Court shall consider the same in accordance with law. Till then, interim order passed on 22.02.2024 stands extended.

7. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant