

GAHC010037292024



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

Case No. : AB/468/2024

HAKIMUDDIN AND 6 ORS.
S/O ABUL HUSSAIN
R/O SALMARA PART-II
P.S. SOUHT SALMARA
DIST. SOUTH SALMARA
MANKACHAR
ASSAM

2: ANARUL ISLAM
S/O MOTIOR ROHMAN
R/O 27 MAJIPARA
P.S. PHULBARI
DIST. WEST GARO HILLS
MEGHALAYA

3: SHAZIBUL ALOM
S/O KASHEM ALI
R/O KHODAIDILA
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR
ASSAM.

4: HASANUR ISLAM
S/O ABUL HUSSAIN
R/O SALMARA PART-II
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR
ASSAM

5: MOYNAL HOQUE
S/O RAHIZ UDDIN
R/O TUMNI LAUKHOB
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR

ASSAM

6: AMINUR ISLAM
S/O MINAR UDDIN
R/O TUMNI LAUKHOB
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA
MANKACHAR
ASSAM

7: ABDUR RAHMAN
S/O DANEJ ALI
R/O KHODAIDILA
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR
ASSAM.

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE PP ASSAM

Advocate for : MR A W AMAN
Advocate for : PP
ASSAM appearing for THE STATE OF 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, Hakimuddin, Anarul Islam, Shazibul Alom, Hasanur Islam, Moynal Hoque, Aminur Islam and Abdur Rahman, 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 27.02.2024 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 27.02.2024, 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 27.02.2024 stands extended.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant