

(2021) 06 GAU CK 0153

Gauhati High Court

Case No: Anticipatory Bail No. 1356 Of 2021

Shajajan Uddin
Mazumder And Anr.

APPELLANT

Vs

State Of Assam

RESPONDENT

Date of Decision: June 24, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 161, 438
- Indian Penal Code, 1860 - Section 34, 302

Hon'ble Judges: Ajit Borthakur, J

Bench: Single Bench

Advocate: F Z Mazumder

Final Decision: Disposed Of

Judgement

Hearing held through remote video conference.

Heard Mr. F.Z. Mazumdar, learned counsel for the petitioners. Also heard Mr. B. Sharma, learned Addl. Public Prosecutor for the State/respondent.

By this petition under Section 438 Cr.P.C., the petitioners, namely, (i) Shajahan Uddin Mazumder and (ii) Aolibun Nessa have prayed for pre-arrest

bail apprehending arrest in connection with Kachudaram P.S. case No. 26/2021 under Sections 302/34 IPC.

Case diary, as called for, is received.

On perusal of the case diary, it is noticed that the prime accused has already been arrested. There is no prima facie incriminating material against the above named petitioners.

Mr. F.A. Mazumder, learned counsel for the petitioners submits that this Court has already granted the privilege of interim pre-arrest bail to the petitioner No. 2, Aolibun Nessa, vide order dated 10.06.2021. The learned counsel further submits that the petitioner No. 2 appeared before the investigating officer and recorded her statement under Section 161 Cr.P.C. and also she is co-operating with the investigation. Therefore, there is no justifiable reason for custodial interrogation of the petitioner No. 2 in the interest of the ongoing investigation of the case. Accordingly, the interim anticipatory bail granted in favour of the petitioner No. 2, named above, vide order dated 10.06.2021, is hereby made absolute, subject to the conditions; (i) that the petitioner No. 2 shall appear before the Investigating Officer as and when required for the purpose of investigation; (ii) that the petitioner No. 2 shall not hamper or temper with the investigation in any manner; and (iii) that the petitioner 2 shall not commit any similar offence, of which she is suspected of commission.

Considering the facts and circumstances of the case and hearing the submissions made by the parties, it is provided that in the event of arrest, the petitioner No. 1 namely, Shajahan Uddin Mazumder shall be released on pre-arrest bail, in connection with Kachudaram P.S. case No. 26/2021 under Sections 302/34 IPC, on furnishing bail bond of Rs.15,000/- with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

(I) That the petitioner No. 1 shall appear before the Investigating Officer within 10 days, failing which this pre-arrest bail order shall atomically expire;

and

(II) That the petitioner No. 1 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.

Return the case diary.

The anticipatory bail application stands disposed of.