

BEFORE

HON'BLE MR. JUSTICE A.C. UPADHYAY

This is an application under Section 438 CrPC seeking pre-arrest bail on behalf of the petitioners, namely - (1) Monowar Hussain @ Mannaf (2) Rofikul Islam (3) Anowara Begum and (4) Joymon Nessa in connection with Dhubri P.S. Case No.71 of 2012 under Section 147/148/149/448/326/307 IPC.

Heard Mr. S.C. Biswas, learned counsel appearing for the petitioners and Ms. B. Saikia, learned Addl. P.P.

Perused the case diary and the materials on record.

The FIR was lodged alleging therein that the accused persons in a pre-planned manner trespassed into the residence of the first informant and tried to kill the women and children of the family present at the residence by pouring acid upon them.

On perusal of the case diary, it appears that the victim has not implicated the petitioners for the commission of offence alleged and the case diaries do not reveal sufficient incriminating materials warranting custodial interrogation of the accused-petitioners in connection with this case.

Therefore, considering the progress of the investigation and the absence of sufficient incriminating materials against the petitioners, I am of the view that the petitioners can be extended the privilege of pre-arrest bail in connection with this case and in the event of release of the petitioners on pre-arrest bail, further investigation of this case would not be adversely effected.

Accordingly, it is provided that in the event of arrest of the petitioners above named, they shall be released on bail of Rs.10,000/- each with one local surety each of the like amount to the satisfaction of the arresting authority in connection with this case. However, on the condition that they shall appear before the I.O. as and when required to do so.

The bail application stands disposed of.