

AB 2846/2015
BEFORE
HON'BLE MR. JUSTICE M.R. PATHAK

Heard Mr. MU Mahmud, learned counsel for the petitioners and Mr. BB Gogoi, learned Additional Public Prosecutor, Assam.

Petitioners, namely (1) Taimur Hussain, (2) Taiyab Ali, (3) Jahangir Hussain @ Jahangir Alom, (4) Ershad Alom @ Ershad Hussain, (5) Sher Ali, (6) Sirajul Hoque, (7) Jahanuddin, (8) Jobbar Ali and (9) Somir Ali have filed this application under Section 438 Cr.P.C. seeking pre-arrest bail in connection with Bilasipara PS Case No. 1153/15 (corresponding to GR No. 1752/15) registered under Section 143 / 448/ 352/ 354/ 342/ 326/307/34 IPC.

Perused the case diary produced today by the learned Additional Public Prosecutor.

From a perusal of the Case Diary, the medical report of the victims as well as the statement of the independent witnesses recorded by the Investigating Officer of the aforesaid case, sufficient incriminating materials have been found against the petitioners abovenamed, except the petitioner No.4, Ershad Alom @ Ershad Hussain.

Considering the above, the pre-arrest bail application in respect of the petitioner Nos. 1,2,3,5,6,7,8 and 9 named above stands rejected and the pre-arrest bail application in respect of petitioner No.4 named above is accepted.

In the event of arrest of the petitioner No.4, Ershad Alom @ Ershad Hussain in connection with Bilasipara PS Case No. 1153/15 (corresponding to GR No. 1752/15) registered under Section 143/ 448/ 352/ 354/ 342/ 326/307/34 IPC, he shall be released on bail on his furnishing bail bond of Rs.20,000/- with two local sureties of the like amount to the satisfaction of the arresting authority on condition that he shall appear before the concerned investigating officer of Bilasipara PS Case No. 1153/15 as and when required for necessary investigation of the case; shall not hamper or tamper with the evidence of the case; shall not threaten or intimidate the informant or any other witness and shall not leave the territorial jurisdiction of Bilasipara Police Station without prior written permission from its Officer-in-Charge.

With the aforesaid observation, this pre-arrest bail application stands disposed of.

Return the case diary.