

AB 5519/2014

BEFORE

HON'BLE MR JUSTICE P.K.SAIKIA

This application U/s. 438 CrPC is filed by the petitioners, namely, 1) Abul Kashem 2) Abul Hussain 3) Nazmul Hussain 4) Nizam Uddin 5) Harunal Roshid 6) Mamunu Zaman 7) Hasina Begum 8) Jamila Khatun 9) Muklara Begum 10) Anuwara Khatun and 11) Ayesha Khatun seeking pre-arrest bail in connection with Juria P.S. Case No. 348/2014 U/s. 147/148/447/354/325/326 IPC..

Heard Mr. M.A. Laskar, learned counsel for the petitioners and Mr. B.S. Sinha, learned Addl. P.P. Assam, appearing for the State respondent. The case diary was called for and same is produced before this court.

On the allegations that the accused/petitioners herein had assaulted the family members of the informant and others inflicting serious injuries on them Juria P.S. Case No. 348/14 U/s. 147/148/354/325/326 IPC was registered.

It is submitted by the learned counsel for the petitioners that for the same incident, the petitioner No.1 herein instituted a case against the informant in Juria P.S. Case No. 348/14 and others for which Juria P.S. Case No. 350/14 U/s. 147/148/354/325/326 IPC was registered. When those accused persons approached the learned Sessions Judge, Nagaon, Assam seeking pre-arrest bail in connection with such a case, learned Sessions Judge, Nagaon was pleased to reject the same vide order dated 01.11.14 rendered in B.A.No. 1524(N)/14.

According to the learned counsel for the petitioners herein, such revelation clearly demonstrates that Juria P.S. Case No. 348/14 U/s. 147/148/354/325/326 IPC was founded on falsehood and concoction. Therefore, the learned counsel for the petitioners submits that the accused/petitioners need to be given the benefit of pre-arrest bail in the event of their arrest in connection with the aforesaid case.

I have perused the case diary being aided by the learned Addl. P.P. Assam.

In view of the materials in the case diary having regard to the submissions, advanced by the learned counsel for the parties, I am of the opinion that the petitioners, namely, 1) Abul Kashem 2) Abul Hussain and 3) Nazmul Hussain cannot be given the benefit of pre-arrest bail in the event of their arrest in connection with the aforesaid case. Accordingly, their prayer for pre-arrest bail is rejected. Interim bail granted in favour of the petitioner No.2 Abul Hussain on 18.12.14 therefore stands vacated.

However, in view of the materials on record, I am of the opinion that in the event of arrest in connection with the aforesaid case, petitioner No. 4 Nizam Uddin, petitioner No.5) Harunal Rosid 6) Mamunu Rahman, petitioner No. 7 Hasina Begum, petitioner No.8 Jamila Khatun, petitioner No. 9, Muklara Begum, petitioner No. 10, Anuwara Khatun and petitioner No.11, Ayesha Khatun are required to be given the benefit of pre-arrest bail. Accordingly, interim bail granted in favour of petitioner No. 7 Hasina Begum, petitioner No. 8 Jamila Khatun, petitioner No. 9, Muklara Begum on 18.12.14 is made absolute.

On the other hand, it is provided that in the event of arrest in connection with the aforementioned case, petitioner No. 4 Nizam Uddin, petitioner No.5) Harunal Rosid 6) Mamunu Rahman, petitioner No. 10, Anuwara Khatun and petitioner No.11, Ayesha Khatun be enlarged on bail of Rs. 10,000/- each with one surety of the like amount to the satisfaction of the arresting authority.

Petitioner Nos. 4, 5, 6, 10 and 11 are directed to appear before the I.O. of the case within 10 days from today to facilitate the ongoing investigation.

The bail application is disposed of. Return the case diary.