

(2021) 06 GAU CK 0037

In the 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 : 10-06-2021

Acts Referred:

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

Citation : (2021) 06 GAU CK 0037

Hon'ble Judges : Prasanta Kumar Deka, J

Bench : Single Bench

Advocate : F Z Mazumder

Judgement

Heard Mr. F. Z.Mazumder, the learned counsel for the petitioners. Also heard Mr. N. P. Goswami, the learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 438 of the Cr.P.C. filed by the petitioners seeking for privilege of pre-arrest bail in Kachudaram P.S. Case No.

26/2021 under Sections 302/34 IPC.

Let case diary be called for fixing 24.06.2021.

The learned counsel for the petitioners sought the interim protection in respect of petitioner No. 2 on the ground that she is an old lady of 56 years.

Moreover, it is his contention that her husband Abdul Kayum Mazumder one of the named accused in the FIR had already been arrested. Mr.

Goswami on the other hand objected to the submission made by the learned counsel for the petitioner on the ground that the involvement of the three

accused persons named in the FIR cannot be disbelieved and as such the interim protection of the petitioner No. 2 may not be considered.

I have given due consideration to the submissions of the learned counsel. However, keeping in view the present situation arising out of the pandemic

Covid-19 and upon consideration that the petitioner No. 2 is an aged lady, under such circumstances prima-facie I am satisfied to grant the interim bail

to the petitioner No. 2 namely Aolibun Nessa in the event of arrest, in connection with the case aforementioned, she shall be released on bail on

furnishing bail bond of Rs.15,000/- with a suitable surety of the like amount, to the satisfaction of arresting authority. The pre-arrest bail is granted on

the following conditions:

(1) The petitioner No. 2 shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-

charge,

(2) The petitioner No. 2 shall not hamper with the investigation, or tamper with the evidence of the case,

(3) The petitioner No. 2 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 them from disclosing such facts to the Court or to any police officer,

(4) The petitioner No. 2 shall appear before the Officer-in-charge, Kachudaram PS within 7(seven) days from today,

(5) The petitioner No. 2 shall continue to appear before the Investigating Officer of the above mentioned case after every 10(ten) days from the date

of first appearance till such time the attendance is dispensed with by the said investigating officer.

List accordingly.