

**Crl. Misc. No. 1006/19**

**04.01.2020**

Bail petitioner for accused persons Majaharul Islam, Sahajamal, Dildar Hussain, Faizul Hoque, Ashik Rabbani, Rabbul Islam and Jekrul Islam represented.

The instant bail application has been filed U/S 438 Cr.PC praying for grant of pre-arrest bail by accused petitioners namely- **Majaharul Islam, Sahajamal, Dildar Hussain, Faizul Hoque, Ashik Rabbani, Rabbul Islam** and **Jekrul Islam**, who are apprehending arrest in connection with Laharighat P.S. Case No. 444/2019,(GR. No. 4075/19) U/S 147/ 148/ 149/ 447/ 448/ 427/ 436/ 384 IPC.

Learned P.P. Mr. A. Kalam notified and appeared, who submitted that CD in respect of Laharighat P.S Case No. 444/2019 has been received in connection with Crl. Misc No. 999/19. Accordingly CD put up.

Petition is supported by an affidavit filed by Majaharul Islam, swearing that no bail petition is filed before Hon'ble High Court or any other court.

Perusal of case record shows that allegation vide ejahar shows that informant's elder brother is a member of BJP. Accused persons namely, Md. Ashique Rabbani, Md. Rabbul Islam, Fojjul Hoque, Mizanur Rahman, Baharul Islam, Inamul Khan, Majaharul Islam, Habikul Islam, Ikramul Hoque, Muksed Ali, Faruk Ahmed, Fokar Uddin, Shajajamal, Dulun Ali and Dildar Hussain are members of Congress party. On 13.12.2019 at about 10.00 a.m. above named accused persons along with 40/50 people armed with deadly weapon entered into the house of informant's brother Nurul Huda and destroyed iron gate, tin wall, bamboo wall , pelted stone, and also set fire in the Samrat Masala Factory belonging to informant's brother, causing loss of valuables. Hence, this case.

Learned engaged counsel for bail petitioner submitted that accused person is innocent. On the contrary, learned P.P. Mr. A. Kalam submitted fairly that there are materials showing possible political motivation in CD.

Perusal of CD & LCR shows that there is threat to burn the factory, but there is total dearth of material in CD that accused person set fire in any place for custody of property or of human dwelling or in any place of

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worship. Moreover, I found no clinching material u/s 384 IPC as against accused persons in CD.

Considering all aspects in light of CD arresting authority is directed that accused petitioners **Majaharul Islam, Sahajamal, Dildar Hussain, Faizul Hoque, Ashik Rabbani, Rabbul Islam** and **Jekrul Islam**, each shall be released on bail in the event of their arrest, on furnishing bail bond of Rs. 20,000/-(twenty thousand) with one fit surety of like amount to the satisfaction of the investigating agency, on condition that –

- (i) Accused persons, will co-operate with investigation.
- (ii) Shall not leave jurisdiction of this court without written permission of I.O.

The Crl. Misc. Case stands disposed off to the extent above.

Send back LCR accordingly.

Inform all concerned.

Asstt. Sessions Judge, Morigaon

