

GAHC010010652023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/153/2023

MD. ALTAF HUSSIAN
SON OF LATE HUSSAIN ALI
R/O ANANDA NAGAR, BYE LANE NO. 1, HOUSE NO. 41, OLD POST OFFICE,
P.S. BHANGAGARH, GUWAHATI-5, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
BEING REP. BY ITS PP, ASSAM

Advocate for the Petitioner : MR. D NANDI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 09-02-2023

09.02.2023.

Heard Mr. D. Nandi, learned counsel for the petitioner.
Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor for the State of Assam.

By this application under section 438 Cr.P.C., the petitioner namely, Altaf Hussain is praying for pre-arrest bail, as he is apprehending arrest in connection with North Basistha P.S. Case No 1063/2022, under sections 147/447/326/384/307 of I.P.C.

The F.I.R. unfolds that on 17.12.2022, at about 6.30 PM, while the informant Abu Bakkar Ali Hussain along with his mother, aunt, father and few other family members went to the plot of land at Dag No. 990 situated at Sawkuchi, at that time 50 to 100 miscreants, who were masked, entered into their premises and assaulted them with dangerous weapons like dao bamboo, dagger, sword and other sharp weapons. The informant's mother and aunt sustained injuries on their head they started bleeding profusely. All the injured persons were knocked unconscious by the injuries. The miscreants then robbed their mobile, gold chain, gold ornaments and cash of Rs. 50,000/- and the miscreants also threatened the petitioners with dire consequences.

I have considered the submissions at the bar. It is submitted on behalf of the petitioner that a land dispute is prevailing between the petitioner and the informant's side. The dispute is regarding ancestral property. The power of Attorney was executed in favour of the accused Faruk Al Khan and the accused Aman Ali by the informant's father and not in favour of the present petitioner. The present petitioner is of 65 years of age and he was suffering from diabetes, high blood pressure, fatty liver and cardiac problems also.

On the other hand, the learned counsel representing the informant raised serious objection and submitted that there are cogent materials in the case diary against the petitioner. The present petitioner is the main accused and on behest of the petitioner, the incident of assault occurred wherein the informant's aunt sustained severe injuries. I have perused the case diary there are indeed

cogent materials in the case diary against the present petitioner. Statements of the witnesses incriminate him.

I have considered the fact that the petitioner is of 65 years of age and is suffering from several ailments. Considering all aspects, I deem it proper to grant the privilege of pre-arrest bail to the petitioner.

Accordingly, in the event of arrest, the petitioner namely, Altaf Hussain shall be enlarged on bail on furnishing a bail bond of Rs.40,000/- (Rupees Forty Thousand) only with one suitable surety of like amount to the satisfaction of the arresting authority, in connection with Basistha P.S. Case No 1063/2022, under sections 147/447/326/384/307 of I.P.C.

The bail is granted on the following conditions:

1. That the petitioner will refrain from such activities with which he is alleged;
2. that the petitioner will appear before the I.O within 10 days from the date of this order;
3. that the petitioner will not hamper or tamper with the evidence; and
4. the petitioner shall not leave the jurisdiction of Basistha P.S. without prior permission.

With the above observations anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant