

GAHC010040542023



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

Case No. : AB/646/2023

ABU BAKKAR SIDDIK @ ABU BAKKAR SIDDIQUE AND 3 ORS
S/O- LT. CHAN ULLAH, R/O- VILL- BAULURI, P.O. CHIRAKUTI, P.S.
FAKIRGANJ, DIST.- DHUBRI, ASSAM, PIN- 783331

2: NURJAHAN KHATUN
W/O- ABU BAKKAR SIDDIK @ ABU BAKKAR SIDDIQUE
R/O- VILL- BAULURI
P.O. CHIRAKUTI
P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783331

3: NUR ALOM
S/O- ABU BAKKAR SIDDIK @ ABU BAKKAR SIDDIQUE
R/O- VILL- BAULURI
P.O. CHIRAKUTI
P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783331

4: SHAHA ALOM @ SHA ALOM
S/O- ABU BAKKAR SIDDIK @ ABU BAKKAR SIDDIQUE
R/O- VILL- BAULURI
P.O. CHIRAKUTI
P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 78333

VERSUS

THE STATE OF ASSAM

REP. BY P.P., ASSAM

Advocate for the Petitioner : MR Z HUSSAIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

03-05-2023

Heard Mr. Z. Hussain, learned counsel for the petitioners. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.

This Anticipatory Bail petition has been filed by the petitioners, namely, 1) Abu Bakkar Siddik @ Abu Bakkar Siddique, 2) Nurjahan Khatun, 3) Nur Alom & 4) Shaha Alom @ Sha Alom, who are apprehending their arrest in connection with Fakirganj P.S. Case No.195/2022 (corresponding to G.R. Case No.1947/2022) registered under Sections 143/447/325/326/506 of the IPC.

An FIR dated 11.12.2022 was lodged by the informant one Sona Khatun alleging that on 06.12.2022 at about 8 AM while the informant along with her husband one Abdul Hay and son Ibrahim Ali was cutting paddy in their paddy field, the accused persons named in the FIR including the petitioners had entered forcefully into their paddy field and had assaulted the husband and the

son of the informant with a lathi causing injuries in the different parts of their bodies. When the informant attempted to save her husband and son from the accused persons, they started beating her with a lathi and thereby caused grievous injuries on different parts of her body also. The husband and the son of the informant were taken to the hospital for medical treatment. The present petitioners are named as accused no.1, 3, 4 & 6 respectively in the FIR.

This Court by the order dated 03.03.2023 and 22.03.2023 while calling for the case diary granted interim bail to the petitioner nos. 1 & 2 respectively.

The case diary, as called for, has been produced by the learned Additional P.P., Assam and the same has been carefully perused by this Court.

From the perusal of the case diary it is seen that the husband of the petitioner had suffered injuries and was treated for his injuries and subsequently, discharged on 22.12.2022. The investigation has proceeded, however, the charge-sheet has not been filed. Perusal of the case diary reveals that the statement of the petitioner no.1 has been recorded by the Investigating Officer. Perusal of the case diary does not reflect any materials to suggest that after grant of interim bail to the petitioner nos.1 & 2, they did not co-operate with the investigations carried on. No materials are also available in the case diary to suggest that during the period of interim bail the petitioner nos. 1 & 2 misused their liberty when the investigation was carried on by the police. Accordingly, upon hearing the learned counsel for the parties and upon perusal of the case diary produced, this Court is of the view that interim bail granted to the petitioner nos.1 & 2 vide order dated 03.03.2023 and 22.03.2023 can be made absolute under the same terms and condition.

Accordingly, the interim bail granted on 22.03.2023 is made absolute on

the same conditions on which the earlier interim bail was granted. Further, this Court is also of the considered view that the prayer for interim bail for the petitioners no. 3 & 4 can also be considered as no incriminating materials have been found against the petitioner nos. 3 & 4.

Accordingly, in the event of arrest of the petitioners no. 3 & 4 named above, in connection with the above noted case, they shall be released on pre-arrest bail upon furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with 1 (one) local surety of like amount to the satisfaction of the arresting authority, subject, of course to the following conditions:

- (i) That the petitioners no. 3 & 4 shall appear before the investigating Officer within 10 (ten) days from today;
- (ii) That the petitioners no. 3 & 4 shall not hamper or tamper with the investigation in any manner;
- (iii) That the petitioners no. 3 & 4 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 him from disclosing such facts to the Court or to any police office; and
- (iv) That the petitioners no. 3 & 4 before leaving the jurisdiction of Fakirganj P.S. shall take permission from the concerned investigating officer of the case.

In the event, the petitioners no. 3 & 4 are found to have violated any of the above conditions or are found to be involved in other offences, the Investigating Officer shall be at liberty to apply for recall/cancellation of the interim bail granted to the petitioners no. 3 & 4.

The anticipatory bail application is allowed and disposed of.

Return the case diary.

JUDGE

Comparing Assistant