

GAHC010044882023



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

Case No. : AB/774/2023

ALTAF SK @ HUSSAIN AND 2 ORS
S/O LT. KAMAR ALI
R/O VILL-RUPSHI PT.I (ISLAMPUR) P.S. KAZIGAON
DIST. KOKRAJHAR, BTR, ASSAM
PIN CODE- 783334

2: EKRAMUL SK. @ HOQUE
S/O LT. KOMAR ALI
R/O VILL-RUPSHI PT.I (ISLAMPUR) P.S. KAZIGAON
DIST. KOKRAJHAR
BTR
ASSAM
PIN CODE- 783334

3: TEPA SK. @ SOPIKUL ALI
S/O AHAMMAD ALI
R/O VILL-RUPSHI PT.I (ISLAMPUR) P.S. KAZIGAON
DIST. KOKRAJHAR
BTR
ASSAM
PIN CODE- 78333

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR P K DAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 02.05.2023

Heard Mr. P. K. Das, learned Counsel appears for the petitioners. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

(2) By this application under Section 438 of Cr. P.C., the petitioners, namely, Altaf Sk @ Hussain, Ekramul Sk @ Hoque and Tapa Sk @ Sopikul Ali are seeking Anticipatory Bail apprehending arrest in connection with an FIR dated 05.07.2022, which is registered as Kazigaon Police Station case No. 43/2022, registered under Sections 120(B)/147/148/149/447/325/326/302 of IPC.

(3) It is submitted by the learned counsel for the petitioner that an FIR dated 05.07.2022 was lodged by the informant, one, Ramzan Ali, alleged that a group of persons came and attack his son, Sakat Ali, who was stabbed in his chest and stomach, causing grievous hurt and thereafter they run away. The injured son was taken to Dhubri Civil Hospital, wherefrom he was referred to more advanced medical unit. The informant and the family members were in the process of transferring the injured to Cooch Bihar but on the way he expired. And accordingly, the FIR was registered as Kazigaon Police Station case No. 43/2022, registered under Sections 120(B)/147/148/149/447/325/326/302 of IPC. Investigation

has commenced in the matter.

(4) This Court vide earlier orders had called for case diary. The case diary is presented before this Court today by the learned Additional Public Prosecutor.

(5) The learned counsels for the parties have been heard. The case diary as presented before this Court has been carefully perused.

(6) It is seen that the matter is under investigation and some of the accuseds have been arrested. The murder weapon etc. has also been recovered.

(7) Perusal of the case dairy does not reflect any materials, which incriminate the petitioner at this stage of investigation. There are no materials also to suggest that the petitioners ought not to be granted protection as prayed for as it may hamper the investigations carried on. Accordingly, this anticipatory bail petition is allowed. This Court is of the view that in the event of arrest of the petitioners in connection with the Kazigaon Police Station case No. 43/2022, registered under Sections 120(B)/147/148/149/447/325/326/302 of IPC, the petitioners are released on a bail bond of Rs.30,000/- (Rupees thirty thousand) only each with two local sureties of like amount to the satisfaction of the Arresting Authority. The bail granted however, is subjected to the following conditions:-

1. That the petitioners shall appear before the

Investigating Officer within 7(seven) days and co-operate in the investigation as and when required;

2. The petitioners shall not leave the territorial jurisdiction of the police station, without prior written permission from Officer-in-Charge, Kazigaon Police Station.

3. That the petitioners shall not hamper or tamper with the investigation in any manner; and

4. That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.

(8) If any of the conditions are found to be violated then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the petitioners.

(9) Anticipatory bail petition is accordingly disposed of.

(10) Return the Case Diary.

JUDGE

Comparing Assistant