

GAHC010045182023



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

Case No. : AB/748/2023

SULTAN ALI AND 2 ORS
S/O LATE AHMED ALI
R/O ISLAMPUR
PS. DHULA
DIST. DARRANG, ASSAM

2: HABIJUR RAHMAN @ HAFIJUR RAHMAN
S/O MAINUL HOQUE
R/O ISLAMPUR
PS. DHULA
DIST. DARRANG
ASSAM

3: FAIJUL HOQUE @ FAIJUR RAHMAN
S/O KABIR ALI
R/O ISLAMPUR
PS. DHULA
DIST. DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 27.04.2023

Heard Mr. M. Ahmed, learned counsel appearing for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor appearing for the State.

2. This Anticipatory Bail petition has been filed by the petitioners, Sultan Ali, Habijur Rahman @ Hafijur Rahman and Faijul Hoque @ Faijur Rahman, apprehending arrest in connection with Dhula Police Station Case No. 221/2022 under Sections 341/326/34 of IPC added Section 120(B)/302 of IPC.

3. Learned counsel for the petitioners submits that by an FIR dated 01.10.2022 lodged by the informant, one Afel Uddin it was alleged that the petitioners along with two other persons had intercepted the motor cycle of the deceased son of the informant and thereafter assaulted him on his head with sharp weapon attempted to kill him. Grievous injuries were caused on the head of the son of the informant. He was brought for medical treatment to Ayur Sundra Hospital, Guwahati. Subsequently, during treatment the son of the informant expired.

4. The said FIR was received and registered as Dhula Police Station Case No. 221/2022 under Sections 341/326/34 of IPC added Section 120(B)/302 of IPC.

5. Apprehending arrest in connection with the

aforementioned P.S. case, the present anticipatory bail petition has been filed praying for anticipatory bail. This Court by orders call for the case dairy. Learned Addl. P.P has produced the case diary today.

6. It is submitted by the learned Addl. P.P that the investigation is still carried on and therefore, at this stage the release of the accused/petitioners in anticipatory bail may not be permitted.

7. I have heard the learned counsels for the petitioner as well as the learned Additional Public Prosecutor for the State. The Case Diary produced has also been perused.

8. Upon perusal of the case dairy, it is seen that as per the Medical Report the cause of death was shown to be sepsis with septic shock and traumatic brain Injury.

9. In the Post Mortem Report also it is opined that death was due to coma, as a result of injuries sustained over the head as described. All injuries were ante mortem and caused by blunt force impact. Case Diary further reveals that during investigation statements of various witnesses have been recorded and the petitioners have been implicated by those witnesses.

10. Upon due perusal of the case dairy, it is seen that there are sufficient incriminating materials available in the case dairy which clearly implicate the petitioners at this stage of investigation.

11. Accordingly, in view of such incriminating materials available in the case diary against the petitioners at this stage of investigation, this Court is disinclined to grant the benefit of anticipatory bail to the petitioners as prayed for.

12. From the reasons above, the Anticipatory petition is accordingly dismissed.

13. Return the Case Diary.

JUDGE

Comparing Assistant