

GAHC010066692023



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

Case No. : AB/1184/2023

RAMJAN ALI AND 5 ORS
S/O LATE BAHEJ ALI
R/O VILL- JAMUNATARY,
P.S. GOSSAIGAON,
DIST. KOKRAJHAR, BTC, ASSAM

2: SRI MOSTAFA ALI
S/O LATE BAHEJ ALI
R/O VILL- JAMUNATARY

P.S. GOSSAIGAON

DIST. KOKRAJHAR
BTC
ASSAM

3: SRI HASEN ALI @ HUSSAIN ALI
S/O LATE BAHEJ ALI
R/O VILL- JAMUNATARY
P.S. GOSSAIGAON
DIST. KOKRAJHAR
BTC
ASSAM

4: SRI AFJAL ALI @ ABZAL ALI
S/O LATE BAHEJ ALI
R/O VILL- JAMUNATARY
P.S. GOSSAIGAON
DIST. KOKRAJHAR
BTC
ASSAM

5: SRI MIZANUR ALI @ MIZAN ALI
S/O SRI HANIF ALI @ ABDULHANIF

R/O VILL- JAMUNATARY
P.S. GOSSAIGAON
DIST. KOKRAJHAR
BTC
ASSAM

6: SRI NUR HUSSAIN ALI @ NUR HUSSEN
S/O SRI HANIF ALI @ ABDUL HANIF
R/O VILL- JAMUNATARY
P.S. GOSSAIGAON
DIST. KOKRAJHAR
BTC
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 17.07.2023

Heard Mr. A. A. R. Karim, learned counsel for the petitioners. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State.

This is an application under Section 438 has been preferred by the six numbers of the petitioners, namely, 1. *Sri Ramjan Ali*, 2. *Sri Mostafa Ali*, 3. *Sri Hasen Ali @ Hussain Ali*, 4. *Sri Afjal Ali @ Abzal Ali*, 5. *Sri Mizanur Ali @ Mizan Ali* and 6. *Sri Nur Hussain Ali @ Nur Hussen* apprehending their arrest in connection with Gossaigaon P.S. Case No. 252/2020 under Sections 447/325/326/307/294/34 of IPC.

The accusation against the present petitioners is that on 9th July, 2020, one Jahangir Alom lodged an FIR before the Tulshibil Police Out Post under Gossaigaon Police Station, *inter alia*, alleging that on 08.07.2020 at about 1.00 PM, when first informant was ploughing his land, the accused persons trespassed into the said land with sharp weapon and prevented him to plough the said land and accused No. 5, namely, Sri Mizanur Ali @ Mizan Ali assaulted the first informant with a lathi. Thereafter, on hue and cry made by the first informant, the younger brother of the first informant rushed to spot to rescue the first informant, however, the other accused also assaulted the first informant and other relatives who assembled there. On receipt of the said FIR, Gossaigaon P.S. Case No. 252/2020 was registered.

Learned Additional Public Prosecutor submits that this anticipatory bail application has been filed by the present petitioners for the second time and earlier the anticipatory bail filed by the petitioners was rejected by this Court vide order dated 13.10.2020 passed in AB No. 2283/2020.

I have gone through the order dated 13.10.2020 passed by this Court rejecting the earlier application for anticipatory bail by the present petitioners.

On the other hand, learned counsel for the petitioner submits that the dispute mainly pertains to land amongst them and the parties have come to a compromised settlement on 20.12.2022 to amicably settle the disputes and in this regard they also executed a mutual agreement deed dated 20.12.2022.

The learned counsel for the petitioners has also submitted that the petitioner No. 6 had also filed a cross case against the informant and his family members and they have now mutually agreed to settle their disputes. Though, the offence involved in the present case, more particularly, offence under Section 326 is a non-compoundable offence. However, the fact remaining that this case is pending for investigation since more than two years even after rejection of the earlier

anticipatory bail application and Police has not been able to apprehend any of them except one Hanif Ali.

Considering the facts and circumstances of this case as well as considering the delay in completion of the investigation of Gossaigaon P.S. Case No. 252/2020, all the accused petitioners are hereby directed to appear before the Investigating Officer of Gossaigaon P.S. Case No. 252/2020 and cooperate with the Investigating Officer in fair completion of the investigation of the said case. They shall appear before the Investigating Officer within a period of ten days from the date of this order and if they do so within the stipulated time they shall be allowed to go on bail of Rs.20,000/- (Rupees Twenty Thousand) only each with one of like amount to the satisfaction of the Arresting Authority with a condition that they shall cooperate with the Investigating Officer of Gossaigaon P.S. Case No. 252/2020 in fair completion of the investigation of the said case.

With the above observation, this instant bail application is hereby disposed of.

JUDGE

Comparing Assistant