

GAHC010079022023



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

Case No. : AB/1363/2023

BAREK ALI
S/O- KARIM BOXA @ KARIM ALI, R/O- VILLAGE- DOLONI BEEL
(TILAPARA), P.S. JOGIGHOPA, IN THE DISTRICT OF BONGAIGAON, ASSAM,
PIN- 783382

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR. S A HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

10-05-2023

Heard Mr. S A Hussain, learned counsel for the petitioner. Also Mr. D Das, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 438 CrPC, the petitioner, the FIR named accused, namely, **Barek Ali** has prayed for his pre arrest bail in Jogighopa P.S. Case No. 211/2022 registered under Sections 448/354/354-A/324 IPC, corresponding to NGR No. 800/2022.

It is seen from the FIR that the alleged incident took place on 11.12.2022, whereas the informant/victim lodged the FIR on 25.12.2022.

After such lodging of the FIR on 25.12.2022, the statement of the victim under Section 164 Cr.P.C. was recorded by the learned Judicial Magistrate First Class, North Salmara, Abhayapuri on 26.12.2022.

Case Diary reveals that the victim/informant refused to have any medical examination regarding the alleged injury on her hand on being attacked by the petitioner with blade, as stated by her in the FIR.

From the statements of the witnesses and neighbours of the informant as recorded by the Investigating Officer, it is seen that there is some family and land dispute between the petitioner and the victim/informant and that the victim/informant is a relative of the petitioner, being sister-in-law of his wife.

Case Diary also reveals that the neighbours have been informed about the incident by the victim/informant herself, but none of the neighbours heard any hue and cry of the victim/informant regarding the occurrence at the relevant point of time.

Considering the above, the prayer for anticipatory bail of the petitioner in said Jogighopa P.S. Case No. 211/2022 registered under Sections 448/354/354-A/324 IPC is granted.

Accordingly, in the event of arrest of the petitioner, namely, **Barek Ali** in said Jogighopa P.S. Case No. 211/2022 registered under Sections 448/354/354-A/324 IPC, he shall be released on bail on furnishing bail bond of Rs. 40,000/-, with two local sureties of the like amount to the satisfaction of the arresting authority on conditions that the petitioner **(i)** shall appear before the Investigating Officer of Jogighopa P.S. Case No. 211/2022 on or before **19.05.2023** during the office hours and thereafter, as and when he is required for necessary investigation of said Jogighopa P.S. Case No. 211/2022; **(ii)** shall not leave the territorial jurisdiction of the Jogighopa police station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case and **(iv)** 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 them from disclosing such facts to the Court or to any police officer.

Any violation of the aforesaid terms and conditions by the petitioner, named above, the interim pre arrest bail granted to him in the aforementioned Jogighopa P.S. Case No. 211/2022 shall stand automatically vacated.

This pre arrest bail application stands allowed to the extent above.

Case Diary be returned.

JUDGE

Comparing Assistant