

GAHC010084972023



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

Case No. : AB/1458/2023

ABDUL JALIL
S/O- LATE AYAT ALI,
R/O- GOROIMARI BILORJAN,
P.O- MAHTOLI,
P.S- BOKO, DIST- KAMRUP , ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 20-06-2023

Heard Mr. K.N. Choudhury, learned Senior counsel assisted by Mr. A. Paramanik, learned counsel for the petitioner.

2. Also heard Mr. K.K. Das, learned Additional Public Prosecutor for the State of

Assam.

3. By this application under section 438 Cr.P.C., the petitioner namely, Abdul Jalil praying for pre-arrest bail as he is apprehending arrest in connection with Kachumara P.S. Case No. 23/2023, under sections 120(B)/147/148/149/448/326/302 of I.P.C.

4. I have considered the submissions at the bar with circumspection and I have also perused the case dairy.

5. The FIR unfolds that on 29.03.2023 at about 10 am the accused named in the FIR and along with 40 persons armed with dao, axe, dagger, Iron Yokes etc. entered into the land of Hanif Ali. Then Sofiquil Islam along with elder brother Azizul Hoque and Jakir Hussain were ploughing their land nearby. Thereafter, a fight broke out regarding the land in dispute and the accused persons named in the FIR attacked Azizul Hoque causing injuries on his mouth and neck with dao and dagger and pushed him to the ground. Then Sofiquil Islam came to the spot and the accused also assaulted him with sharp weapons. Later on, the villagers took Azizul Hoque to the hospital but on the way, he succumbed to his injuries, Jakir Hussain also died on his way to GMCH.

6. The learned APP has submitted that there are incriminating materials against the accusd Billal Hussain that the fatal injury was caused by the accused Billal Hussain.

7. I have perused the submission of the witnesses under section 161 Cr.P.C.

8. It is submitted on behalf of the present petitioner that he was not with the mob at the time of the incident. Being a Head Master of a School he was at the School at the time of the alleged incident.

9. It appears that custodial interrogation of the accused may not required for the progress of investigation. In view of my foregoing discussions the petition is

allowed.

10. In the event of arrest, the petitioner namely, Abdul Jalil shall be enlarged on bail on furnishing a bail bond of Rs.50,000/-(Rupees Fifty Thousand) with one suitable surety of like amount to the satisfaction of the arresting authority, in connection with Kachumara P.S. Case No. 23/2023, under sections 120(B)/147/148/149/448/326/302 of I.P.C.

11. The bail is granted on the following conditions:

1. That the petitioner will refrain from such activities with which he is alleged;
2. that the petitioner will appear before the I.O within 7 days from the date of this order and co-operate with the investigation;
3. that the petitioner shall not leave the territorial jurisdiction without prior permission till completion of the trial;
4. the petitioner will not hamper or tamper with the evidence or exercise threats to any witnesses.

Send back the case diary.

JUDGE

Comparing Assistant