

GAHC010093412023



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

Case No. : AB/1561/2023

KULSUM TALUKDAR @ KUNSUN KHATUN AND 2 ORS
W/O. ABDUS SAMAD BHUYAN, VILL. PIRADHORA PART-I, P.O-
PIRADHORA, P.S- ABHYAYAPURI, DIST- BONGAIGAON, ASSAM, PIN-783384

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM.

Advocate for the Petitioner : MR. M ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

23-05-2023

Heard Mr. M. Ali, learned counsel for the petitioners. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.

This Anticipatory Bail petition has been filed by the petitioners, namely, 1) Musstt Kulsum Talukdar @ Kunsun Khatun, 2) Faruk Abdullah & 3) Jesmina

Aktar @ Moromi, who are apprehending their arrest in connection with Abhayapuri P.S. Case No.134/2023 registered under Sections 447/325/326/34 of the IPC.

This Court by the order dated 04.05.2023 while calling for the case diary granted interim protection to the petitioner no.3, but the prayer for bail of the petitioner nos. 1 & 2 were directed to be considered at a later stage.

The case diary, as called for, has been received and this Court has perused the same.

Learned counsels for the parties have been heard.

Upon perusal of the case diary, it is seen that pursuant to the grant of the interim bail, the petitioner no.3 appeared before the Investigating Officer of the case and recorded her statements. No specific materials are seen in the case diary to suggest that pursuant to the grant of bail the petitioner no.3 did not cooperate with the investigation that is being carried on. The case diary does not reveal any material against the petitioner no.3 to suggest that continuation of interim bail will impede the process of investigation. Further, there are also no materials seen in the case diary at this stage of investigation to suggest that the grant of anticipatory bail to the petitioners no.1 & 2 will hamper the further investigation in the case. No such materials are seen from the case diary which

suggests that prayer for grant of Anticipatory Bail to the petitioners no. 1 & 2 ought not to be allowed.

Accordingly, interim bail granted to the petitioner no. 3 vide order dated 04.05.2023 is hereby made absolute on the same conditions as mentioned in the earlier order dated 04.05.2023. In so far as, the petitioners no. 1 & 2 i.e. Musstt Kulsum Talukdar @ Kunsun Khatun and Faruk Abdullah are concerned, in the event of their arrest in connection with Abhayapuri P.S. Case No.134/2023 registered under Sections 447/325/326/34 of the IPC, they shall be also released on pre-arrest bail upon furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with 1 (one) local surety of like amount to the satisfaction of the arresting authority, subject, of course to the following conditions:

- (i) That the petitioners no. 1 & 2 shall appear before the investigating Officer within 10 (ten) days from today;
- (ii) That the petitioners no. 1 & 2 shall not hamper or tamper with the investigation in any manner;
- (iii) That the petitioners no. 1 & 2 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

him from disclosing such facts to the Court or to any police office; and

- (iv) That the petitioners no. 1 & 2 before leaving the jurisdiction of Abhayapuri P.S. shall take permission from the concerned investigating officer of the case.

In the event, the petitioners no. 1 & 2 are found to have violated any of the above conditions or are found to be involved in other offences and in so far as the petitioner no.3 is concerned, if it is found that she has violated any of the conditions mentioned in the order dated 04.05.2023, the Investigating Officer shall be at liberty to apply for recall/cancellation of the interim bail granted to the petitioners no. 1 & 2.

The anticipatory bail application is disposed of. Return the case diary.

JUDGE

Comparing Assistant