

GAHC010106332023



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

Case No. : Bail Appln./1821/2023

LATIF ALI AND 4 ORS
S/O KURBAN ALI
R/O VILL- KURIHAMARI
P.O. BHANGRAMARI
P.S. SIALMARI
DIST. NALBARI, ASSAM
PIN-781126

2: MOKRAM ALI
S/O LT. RAHIM ALI
R/O VILL- KURIHAMARI
P.O. BHANGRAMARI
P.S. SIALMARI
DIST. NALBARI
ASSAM
PIN-781126

3: HAJRAT ALI @ HASTHA ALI
S/O NASKAR ALI
R/O VILL- KURIHAMARI
P.O. BHANGRAMARI
P.S. SIALMARI
DIST. NALBARI
ASSAM
PIN-781126

4: LOKMAN ALI
S/O LT. AJIT ALI
R/O VILL- KURIHAMARI
P.O. BHANGRAMARI
P.S. SIALMARI
DIST. NALBARI
ASSAM
PIN-781126

5: ISMIAL ALI @ ISLAM
S/O MOKRAM ALI
R/O VILL- KURIHAMARI
P.O. BHANGRAMARI
P.S. SIALMARI
DIST. NALBARI
ASSAM
PIN-78112

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A SARMA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 06.06.2023

Heard Mr. K. Kalita, learned counsel for the petitioners and Mr. R.R. Kaushik, learned Addl. PP for the State.

2. This bail application has been filed by the petitioners, namely, **1. Latif Ali, 2. Mokram Ali, 3. Hajrat Ali @ Hastha Ali, 4. Lokman Ali, 5. Ismial Ali @ Islam** seeking bail in connection with Sialmari P.S. Case No. 40/2022 under Sections 147/148/149 /448/325/326/436/427 of the IPC. The accused-petitioners arrested on 03.05.2023 and since then they have been in custody.

3. It is submitted that by an FIR dated 19.09.2022, about 27 accused-persons were named in the FIR. It was alleged that these accused-persons in a group armed with *Jong, Dagger, Axe Dao, Iron* etc had forcibly entered the campus of the

residence of the informant and grievously injured his father-in-law by stabbing with sharp weapon and set fire to the two dwelling houses as a result of which 50 bags of jute along with all the household items were completely burned. It is further alleged that they had destroyed his house as well as the houses of his relatives, namely Sahidul and Saidar Ali and three houses of Sagar Ali, one house of Moktab Ali and three houses of Hanif Ali. The said FIR was received and registered as Sialmari P.S. Case No. 40/2022 under Section 147/148/149/325/326/436/427 of the IPC.

4. The learned counsel for the accused petitioners submits that the petitioners are named in the said FIR as accused Nos. 2, 6, 8, 10 and 25. They were arrested on 03.05.2023 and since then they have been in custody. It is further submitted that one of the co-accused namely, Khalek Ali was granted bail by this Court vide order dated 01.11.2022 passed in B.A. No. 2728/2022. It is submitted that their statements have been recorded as such their further detention is not necessary.

5. The case diary has been called for by this Court vide earlier order. The learned Addl. PP has presented the case diary before this Court.

6. From the case diary it is seen that the injury suffered by the injured persons were simple in nature. The statements of the accused persons have already been recorded. The learned Addl. PP has expressed his apprehension that release of the petitioners at this stage may hamper the investigation carried on as charge-sheet has not yet been filed.

7. Having heard the learned counsels for the parties and upon perusal of the case diary, this Court is of the view that since the petitioners statements have already been recorded and the petitioners have been in custody and no such materials are seen from the case diary which suggest that further custodial detention of the petitioners are necessary or that the release of the petitioners at

this stage of investigation will hamper the investigation being carried on. This Court is of the view that the petitioners can be released on bail as prayed for.

8. The order dated 01.11.2022 passed by the Co-ordinate Bench in B.A. No. 2728/2022 is also taken note of.

9. Considering all of the above, this Court is of the view that the petitioners, named above, in connection with the aforesaid case, be released on bail upon furnishing a bail bond of Rs. **50,000/-** (Rupees Fifty Thousand only) each with one local surety of like amount to the satisfaction of the Court of Chief Judicial Magistrate, Nalbari, subject, of course, to the following conditions:

(i) That the accused-petitioners shall appear before the I.O as and when required till completion of the investigation.;

(ii) That the accused-petitioners shall not hamper or tamper with the investigation in any manner;

(iii) That the accused-petitioners 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 officer; and

(iv) That the accused-petitioners shall not move out the jurisdiction of the Competent Court without permission.

10. If any of the conditions are violated, the competent Court will be at liberty to cancel the bail by this Court.

11. Accordingly, the bail application stands disposed of.

12. Return the case diary.

JUDGE

Comparing Assistant