

GAHC010108302023



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

Case No. : AB/1838/2023

ALI HUSSAIN AND 9 ORS
S/O KOBED ALI
VILL- LATE KHUDRAKHOWA
P.S. KALGACHIA
DIST. BARPETA, ASSAM
PIN-781321

2: JIARUL HOQUE
S/O NASIR UDDIN
VILL- LATE KHUDRAKHOWA
P.S. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781321

3: NASIR UDDIN
S/O LATE MAMUD ALI
VILL- LATE KHUDRAKHOWA
P.S. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781321

4: SHAHA ALOM
S/O LATE MAMUD ALI
VILL- LATE KHUDRAKHOWA
P.S. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781321

5: KOBED ALI
S/O LATE KASHIMUDDIN
VILL- LATE KHUDRAKHOWA

P.S. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781321

6: AYMONA KHATUN
W/O KOBED ALI
VILL- LATE KHUDRAKHOWA
P.S. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781321

7: BASIRON NESSA
W/O NASIR UDDIN
VILL- LATE KHUDRAKHOWA
P.S. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781321

8: IMAN ALI
S/O LATE KASHIMUDDIN
VILL- LATE KHUDRAKHOWA
P.S. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781321

9: JAHIDUL ISLAM
S/O LATE KASHIMUDDIN
VILL- LATE KHUDRAKHOWA
P.S. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781321

10: JAHAN UDDIN
S/O LATE MAMUD ALI
VILL- LATE KHUDRAKHOWA
P.S. KALGACHIA
DIST. BARPETA
ASSAM
PIN-78132

VERSUS

THE STATE OF ASSAM

REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 17.07.2023

Heard Mr. A. M. Ahmed, learned counsel for the petitioners. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State.

This is an application under Section 438 of Cr.P.C. has been filed by the petitioners, namely, (1) Ali Hussain, (2) Jiarul Hoque, (3) Nasir Uddin, (4) Shaha Alom, (5) Kobed Ali, (6) Aymona Khatun, (7) Basiron Nessa, (8) Iman Ali, (9) Jahidul Islam, and (10) Jahan Uddin apprehending their arrest in connection with Kalgachia Police Station case No. 61/2023, registered under Sections 143/147/148/325/307 of IPC.

The learned counsel for petitioner submits that a cross case is also filed by one Gulzar Hussain, who is the relative of the present petitioner against Samsul Alom and others.

The learned counsel for the petitioner has submitted that there is land dispute between both the parties and the present petitioners were on 25.05.2023, granted interim anticipatory bail by this Court and in pursuant to said order seven out of ten petitioners appeared before the Investigating Officer.

The learned counsel Public Prosecutor has submitted that on perusal of the case diary it appear that both sides have sustained injuries of different

nature.

Learned Additional Public Prosecutor also submits that in pursuant this Court's Order except petitioner no. (4) Shaha Alom, (6) Aymona Khatun and (7) Basiron Nessa, other seven petitioners have appeared before the Investigating Officer and their statements under Section 161 CrPC were also recorded by the Investigating Officer.

I have perused the case diary.

Considering the progress made in the investigation and considering the fact that the statement of 7 of the 10 petitioners have already been recorded by the Investigating Officer, the interim anticipatory bail granted to the seven petitioners named above is hereby made absolute with the conditions which were attached, while granting interim anticipatory bail to them.

As regards to other three remaining petitioners namely, (4) Shaha Alom, (6) Aymona Khatun and (7) Basiron Nessa, they are directed to appear before the Investigating Officers of Kalgachia Police Station case No. 61/2023 within a period of 10 days from date of this order and in case, they appear as directed, in the event of their arrest in connection with Kalgachia Police Station case No. 61/2023, they shall be allowed to go on bail of Rs. 25,000/- (Rupees Twenty Five Thousand only) each, with one surety of like amount to the satisfaction of the arresting authority subject to the condition that they shall co-operate with the Investigating Officer in fair completion of the investigation.

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

JUDGE

Comparing Assistant