

GAHC010109982023



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

Case No. : AB/1806/2023

ASAN ALI @ AAM ALI
S/O NURUL HOQUE, VILL- NO. 2, PATKATA, P.S.-MANIKPUR, DIST-
BANGAIGAON, P.O.-MANAKOSHA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D SARMAH
Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
ORDER

28-06-2023

Heard Mr. D. Sarmah, learned counsel for the petitioner and Mr. B. Sharma, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 438 Cr.P.C., the petitioner, namely, **Asan Ali @ Aam Ali**, apprehending his arrest, is seeking pre-arrest bail in Manikpur Police Station Case No. 79/2023 registered under Sections 307/326 IPC corresponding to G.R. Case No. 293/2023.

As per the FIR of the case dated 01.05.2023 lodged by the complainant, on 28.04.2023 two

tractors of their village carried excessive soil from the newly built pond under the Amrit Sorobar Scheme of the State Government. One of the tractors was his son's and another was of the accused petitioner and when the son of the petitioner with his helper was driving his tractor, the accused petitioner collided his said tractor. After the said incident, the helper of said tractor asked the petitioner as to why he collided the tractor of the complainant's son, but without giving any such reply, the accused petitioner attacked the labourer with a wheel spanner and also drove the tractor through the body of the son of the complainant, due to which he sustained grievous injuries.

Mr. Sharma, learned Additional Public Prosecutor, Assam from the case diary submits that there are eye-witnesses to the incident and their statements have also been recorded wherein they implicated the petitioner stating that after the said incident, the petitioner drove his tractor in a very high speed and escaped from the said incident.

Mr. Sharma, learned Additional Public Prosecutor, Assam from the case diary further submits that the helper of the tractor and the son of the complainant were assaulted by the accused petitioner for which they sustained injuries and the eye-witnesses of the said incident also gave their statements that the petitioner attacked the owner of the said tractor, son of the complainant with an attempt to kill him due to which he sustained grievous injuries.

From the medical report of the son of the complainant who is undergoing medical treatment in the Lower Assam Hospital and Research Centre, Bongaigaon, it is seen that he sustained grievous injuries caused by blunt object.

As the case diary reveals sufficient incriminating materials against the petitioner with regard to his involvement in the alleged crime, this Court is of the view that this is not a fit case to grant pre-arrest bail to the petitioner, **Asan Ali @ Aam Ali** in said Manikpur P. S. Case No. 79/2023 and accordingly, this pre-arrest bail application of the petitioner stands rejected.

Return the case diary.

JUDGE

Comparing Assistant