

GAHC010113742023



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

Case No. : AB/1858/2023

REJEK ALI AND 4 ORS
S/O LAL MIA ALI
R/O VILL- RANGIA, WARD NO. 10,
P.O. AND P.S. RANGIA,
DIST. KAMRUP, ASSAM

2: ABDUR RAHMAN @ RAHMAN ALI
S/O LAL MIA ALI
R/O VILL- RANGIA
WARD NO. 10
P.O. AND P.S. RANGIA
DIST. KAMRUP
ASSAM

3: SAIFUDDIN ALI
S/O LAL MIA ALI
R/O VILL- RANGIA
WARD NO. 10
P.O. AND P.S. RANGIA
DIST. KAMRUP
ASSAM

4: ABDUR RAHMAN @ RAHIM ALI
S/O LT. MAIJUDDIN
R/O VILL- RANGIA
WARD NO. 10
P.O. AND P.S. RANGIA
DIST. KAMRUP
ASSAM

5: LALMIA @ LALMIYA ALI
S/O LT. AJIMUDDIN ALI
R/O VILL- RANGIA
WARD NO. 10

P.O. AND P.S. RANGIA
DIST. KAMRUP ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. J PAUL
Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

30-06-2023

Heard Ms. J. Paul, learned counsel for the petitioners and Mr. Bhaskar Sharma, learned Additional Public Prosecutor, Assam for the State assisted by Mr. A. Mobarague, learned counsel for the informant.

By this application under Section 438 CrPC, the petitioners, namely, **1) Rejek Ali, 2) Abdur Rahman @ Rahman Ali, 3) Saifuddin Ali, 4) Abdul Rahman @ Rahim Ali** and **5) Lalmia @ Lalmiya Ali** apprehending their arrest are seeking pre arrest bail in **Rangia P.S. Case No. 288/2023** registered under Sections 461/325/326/392/34 IPC corresponding to G.R. No. 526/2023.

As per the FIR of the case, the petitioners obstructed one Ramjan Ali while he was going to Mosque for Namaz and the accused petitioners named in the FIR abused him with foul language. Later in the evening on the date of the incident, while one Mostahidur Rahman was looking after his accounts in his shop, the accused persons went incident his shop and assaulted him with sharp weapons like dao, Javelin and rod and searched for Ramjan Ali and the accused persons attacked said Mostahidur Rahman, who somehow managed to fled from his shop and the accused persons ransacked his shop and looted away Rs.20,000/- and later chased few other persons including Ramjan Ali. The same was registered as **Rangia P.S.**

Case No. 288/2023.

The injured persons were referred to Gauhati Medical College and Hospital for better treatment.

It is seen that prior to the said incident one Mir Hussain @ Babu lodged an FIR with regard to an incident against the husband of the complainant and other persons which was registered as Rangia P.S. Case No.289/2023 corresponding to G.R. No.527/2023.

Perused both the case diaries of Rangia P.S. Case No. 288/2023 as well as Rangia P.S. Case No.289/2023.

From both the case diaries, it is seen that on the evening of 17.05.2023 the accused persons Mir Hussain Ali, Zakir Hussain Rejek Ali and Saifudding misbehaved with Ramjan Ali and in the evening those accused persons assaulted Ramjan Ali, Zakir Hussain and others.

On the other hand, case diaries reveal that there was a commotion with one Mir Hussain and thereafter, the petitioners went to the house of Mir Hussain and threatened him and partially destroyed the walls of his house. The note of the I/O discloses that there was no such fight took place between the parties and both the parties filed their individual FIRs in the matter.

Considering such materials in both the case diaries, the Court is of the view that custodial interrogation of the petitioners are not warranted to investigate said **Rangia P.S. Case No. 288/2023**. As such, this pre-arrest bail application of the petitioners is accepted.

Accordingly, it is provided that in the event of arrest of the petitioners namely, **1) Rejek Ali, 2) Abdur Rahman @ Rahman Ali, 3) Saifuddin Ali, 4) Abdul Rahman @ Rahim Ali** and **5) Lalmia @ Lalmiya Ali**, they shall be released on bail in said **Rangia P.S. Case No. 288/2023**, on furnishing a bail bond of Rs.75,000/-, each with 2 (two) local sureties each, of the like amount, to the satisfaction of the arresting authority on conditions that the petitioners shall – **(i) appear before the Investigating Officer of said Rangia P.S. Case No. 288/2023 on or before 06.07.2023 and thereafter, on every Thursday during the office hours between 10:00 am to 1:00 pm for the next 10 (ten) weeks commencing from 13.07.2023** and thereafter, as and when they are required for

necessary investigation of the case and on their such appearance, the I/O of said **Rangia P.S. Case** shall record the statements of the petitioners; **(ii)** not leave the territorial jurisdiction of the **Rangia Police Station**, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** they 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 them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to them in the aforesaid **Rangia P.S. Case No. 288/2023** shall stand automatically vacated.

Further, the petitioners shall not indulge in similar offence or any other criminal offences in future, failing which, the bail granted to them in said **Rangia P.S. Case No. 288/2023** shall stand automatically vacated.

Any violation of the aforesaid terms and conditions by any of the petitioners, named above, the pre-arrest bail granted to the petitioners in said **Rangia P.S. Case No. 288/2023** shall stand automatically vacated.

Return the case diary.

This pre-arrest bail application stands disposed of to the extent above.

JUDGE

Comparing Assistant