

GAHC010115612023



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

Case No. : AB/1909/2023

AHEJ UDDIN AND 14 ORS
S/O LATE ABDUL ALI
R/O VILL- JAHERPUR
P.S. CHHAYGAON
DIST. KAMRUP, ASSAM

2: HAIDOR ALI
S/O LATE AROB ALI
R/O VILL- JAHERPUR
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

3: SAHAB ALI @ SAHEB ALI
S/O AHEJ UDDIN
R/O VILL- JAHERPUR
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

4: KHABAR ALI @ KHAIBOR ALI
S/O LATE INAM ALI
R/O VILL- JAHERPUR
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

5: SAFIQUUL ISLAM
S/O TAHEJ UDDIN
R/O VILL- JAHERPUR

P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

6: SAMAD ALI
S/O AJIT MULLAH
R/O VILL- JAHERPUR
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

7: AJAHAR ALI
S/O SAMAD ALI
R/O VILL- JAHERPUR
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

8: FULCHAN ALI
S/O SAMAD ALI
R/O VILL- JAHERPUR
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

9: AJGAR ALI
S/OLATE JULHASH ALI
R/O VILL- JAHERPUR
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

10: ABDUL MAJI @ MAJID ALI
S/O LATE JULHASH ALI
R/O VILL- JAHERPUR
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

11: JAHANUR RAHMAN @ JAHNOBI ALI
S/O LATE SAYED ALI
R/O VILL- JAHERPUR

P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

12: BADOR UDDIN @ BADOR ALI
S/O LATE SURHAB ALI
R/O VILL- JAHERPUR
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

13: KARIM ALI
S/O LATE SABDER ALI
R/O VILL- JAHERPUR
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

14: JAYNAL ALI
S/O JAMAL ALI
R/O VILL- JAHERPUR
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

15: JAMAL ALI
S/O LATE SAHOR ALI
R/O VILL- JAHERPUR
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 13-06-2023

1. Heard Mr. F Haque, learned counsel for the petitioners. Also heard Mr. RJ Baruah, learned Additional Public Prosecutor appearing for the State of Assam.
2. This petition has been filed by the petitioners namely, **1. Ahej Uddin, 2. Haidor Ali, 3. Sahab Ali @ Saheb Ali, 4. Khabar Ali @ Khaibor Ali, 5. Safiqul Islam, 6. Samad Ali, 7. Ajahar Ali, 8. Fulchan Ali, 9. Ajgar Ali, 10. Abdul Maji @ Majid Ali, 11. Jahanur Rahman @ Jahnobi Ali, 12. Bador Uddin @ Bador Ali, 13. Karim Ali, 14. Jaynal Ali and 15. Jamal Ali**, seeking anticipatory bail as they are apprehending arrest in connection with Sualkuchi River Police Station Case No. 21/2023 under Sections 436/506/34 of the IPC.
3. The counsel for the petitioners submits that in the said FIR, the informant had alleged that the accused named in the FIR had threatened the informant and his family members asking them to remove their houses from the place where it is situated and if the same is not done, then the houses of the informant and other family members will be set on fire and they will also be killed. It is alleged that on 01.03.2023, in the evening at 05:00 pm, the accused persons had set fire on three houses belonging to the informant's elder brother. Thereafter, investigation was initiated against the accused persons named in the FIR. Apprehending arrest, the present bail petition has been filed by the 15 (fifteen) accused persons named in the FIR.

4. This Court had called for the case diary. The learned Additional Public Prosecutor has produced the case diary and the same is carefully perused.

5. Upon due perusal of the case diary, no incriminating material, at this stage of investigation has been found to arrest the petitioners. In the event, the petitioners are granted anticipatory bail, the investigation so carried on will not be hampered. Accordingly, the petitioners are granted anticipatory bail.

6. Therefore, in the event of the petitioners arrest in connection with the aforementioned case, they be released on a bail bond of Rs.30,000/- each with a local surety each of like amount to the satisfaction of the Arresting Authority. The bail granted however, is subject to the following conditions:-

- (i) That the petitioners shall appear before the Investigating Officer within 7(seven) days from today and co-operate in the investigation as and when required;
- (ii) The petitioners shall not move out of the jurisdiction of the concerned police station, without prior written permission from the concerned Police Station.
- (iii) That the petitioners shall not hamper or tamper with the investigation in any manner; and
- (iv) That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.

7. If any of the conditions are found to be violated then the Investigating

Officer shall be at liberty to seek cancellation of the bail granted to the petitioner.

8. Anticipatory bail petition is accordingly disposed of. Return the Case Diary.

JUDGE

Comparing Assistant