

GAHC010138942023



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

Case No. : AB/2248/2023

SORHAB ALI @ SURAB ALI AND 6 ORS
S/O LATE JAHARUDDIN SHEIKH
R/O VILL- DALGOMA COLLEGE PARA, P.O. AND P.S. MATIA
DIST. GOALPARA, ASSAM

2: SUKURJAN NESSA @ SAKAJJAN NESSA
W/O SORHAB ALI @ SURAB ALI
R/O VILL- DALGOMA COLLEGE PARA
P.O. AND P.S. MATIA
DIST. GOALPARA
ASSAM

3: IMAN ALI @ ENAMUL HAQUE
S/O LATE AKKEL ALI
R/O VILL- BAMUNPARA
P.O. AND P.S. MATIA
DIST. GOALPARA
ASSAM

4: SULTANA BEGUM
W/O IMANA ALI @ ENAMUL HAQUE
R/O VILL- BAMUNPARA
P.S. MATIA
DIST. GOALPARA
ASSAM

5: JAKIR HUSSAIN
S/OLATE GENDAL HUSSAIN @ GENDAL SHEIKH
VILL- MAMUDPUR
PT.II
P.O. DALGOMA
P.S. MATIA
DIST. GOALPARA
ASSAM

6: AHABUDDIN SHEIKH
S/O LATE GENDAL HUSSAIN @ GENDAL SHEIKH
R/O VILL- MAMUDPUR PT.II
P.O. DALGOMA
P.S. MATIA
DIST. GOALPARA
ASSAM

7: JAHANUDDIN ALI @ JAHANUDDIN SHEIKH
S/O LATE GENDAL HUSSAIN @ GENDAL SHEIKH
R/O VILL- MAMUDPUR PT.II
P.O. DALGOMA
P.S. MATIA
DIST. GOALPARA
ASSAM
PIN NO. 78312

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A U CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 29.08.2023

Heard Mr. S. Islam, learned counsel for the petitioners. Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the State.

It appears from the record that on 23.06.2023, the petitioners, namely, (1) *Sorhab Ali @ Surab Ali*, (2) *Sukurjan Nessa @ Sakajjan Nessa*, (3) *Iman Ali @ Enamul Haque*, (4) *Sultana Begum*, (5) *Jakir Hussain*, (6) *Ahabuddin Sheikh* and (7) *Jahanuddin Ali @ Jahanuddin Sheikh* were granted interim anticipatory bail

with certain conditions.

The learned counsel for the petitioners submit that in pursuant to the directions of this Court, all the petitioners have appeared before the Investigating Officer and have cooperated with the Investigating Officer.

On the other hand, learned Additional Public Prosecutor has produced the case diary which was called for in connection with this case.

It is submitted that the Investigating Officer has reported that the petitioners are not cooperating with the Investigation Officer. However, on perusal of the case record, it appears that the statement of all the petitioners were recorded and they were granted interim anticipatory bail by this Court and it was recorded only after they have appeared before the Investigating Officer in pursuant to the directions of this Court.

Regarding the endorsement made in the case diary that the petitioners are not telling the truth, it is duty of the Investigating Officer to find out the truth during investigation. However, the perception of the Investigating Officer is not, in itself, may be the ground for not making the interim anticipatory bail absolute, if otherwise, on perusal of the case diary it appears that the petitioners have complied with the directions of this Court.

It appears that the above named petitioners are the relatives of the deceased. The husband of the deceased who was already arrested in connection with this case and has already been released on bail. Under such circumstances, custodial detention of the present petitioners does not appear to be necessary for fair completion of the investigation of Matia P.S. Case No. 66/2023.

In view of the above, the interim anticipatory bail granted to the above named petitioners by order dated 23.06.2023 is hereby made absolute with condition Nos. 2, 3 and 4 attached to the said order remaining intact.

With the above observations, the anticipatory bail is hereby disposed of.

Send back the case diary.

JUDGE

Comparing Assistant