

GAHC010208142023



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

Case : AB/3191/2023

ALEMA BIBI AND 7 ORS
W/O ALAUDDIN SK.
R/O VILL- SUKLARTARI
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

2: NIRA KHATUN (BIBI)
W/O JAMAL UDDIN
R/O VILL- SUKLARTARI
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

3: AMINUR SK.
S/O ALAUDDIN
R/O VILL- SUKLARTARI
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

4: SOYFUL ALI @ SOYFUL ISLAM
S/O SULTAN
R/O VILL- SUKLARTARI
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

5: JAMAL UDDIN SK. @ JAMAL SK.
S/O HAMID HUSSAIN
R/O VILL- SUKLARTARI
P.S. BILASIPARA

DIST. DHUBRI
ASSAM

6: ALAUDDIN SK.
S/O LATE KAIMUDDIN
R/O VILL- SUKLARTARI
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

7: FATEMA BIBI
W/O DHONI SK.
R/O VILL- SUKLARTARI
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

8: DHONI SK.
S/O ROHIM BOXO
R/O VILL- SUKLARTARI
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. M KHAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 28.09.2023

Heard Mr. M. Khan, learned counsel for the petitioners and Mr. P.D. Goswami, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 438 Cr.P.C., filed by the petitioners namely 1. Alema Bibi, 2. Nira Khatun (Bibi), 3. Aminul Sk, 4. Soyful Ali @ Soyful Islam, 5. Jamal Uddin Sk @ Jamal Sk, 6. Alauddin Sk, 7. Fatema Bibi and 8. Dhoni Sk, praying for pre- arrest bail who are apprehending arrest in connection with Bilasipara P.S. Case No. 274/2023 under Sections 143/ 326/ 325/ 307 IPC.

It is submitted by the leaned counsel for the petitioners that the learned Addl. Sessions Judge, Bilasipara has granted the interim pre-arrest bail to the petitioners and subsequently, after perusal of the case diary, without showing any reason, rejected the interim pre-arrest bail earlier granted to the petitioners.

It is submitted by the learned counsel for the petitioners that there is no allegation in the FIR against the petitioners that they have inflicted any injury to the victim. It is also not reflected in the FIR that the petitioners were present on the spot. Under such back drop, the benefit of pre-arrest bail may be extended to the petitioners.

In response, learned Addl. PP submits that there is no specific allegations against the petitioners causing injury to the victim, in the case diary.

I have perused the case diary and the injury report of the victim.

Perusal of the case diary shows that the accused Yamin Sheikh inflicted injury on the victim and the petitioners were present on the spot and abused the victim and his family members.

In view of the above and considering the facts and circumstances of the case, benefit of pre-arrest bail is extended to the petitioners. Accordingly, it is directed that the petitioners above named be released on pre-arrest bail in connection with Bilasipara P.S. Case No. 274/2023 under Sections 143/ 326/

325/ 307 IPC on furnishing a bond of Rs. 10,000/- each with a suitable surety of like amount to the satisfaction of the arresting authority subject to the following conditions that:-

1. the petitioners shall appear before the I.O. within 10 days from today.
2. the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;
3. the petitioners 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 him from disclosing such facts to the Court or any other police officer, and
4. the petitioners shall not hamper the investigation or temper with the evidence of the case.

The bail application is disposed of.

Return the case diary.

JUDGE

Comparing Assistant