

GAHC010213262023



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

Case No. : AB/3241/2023

MD. HUSSAIN ALI AND 8 ORS.
S/O LATE KASUM ALI,
VILL.- GORIABORI PATHAR WARD NO. 5, P.S.- MOIRABARI, DIST.-
MORIGAON (ASSAM).

2: MD. ASHAD ALI
S/O LATE KASUM ALI

VILL.- GORIABORI PATHAR WARD NO. 5
P.S.- MOIRABARI
DIST.- MORIGAON (ASSAM).

3: MD. RAFIKUL ISLAM
S/O MD. HUSSAIN ALI

VILL.- GORIABORI PATHAR WARD NO. 5
P.S.- MOIRABARI
DIST.- MORIGAON (ASSAM).

4: MD. HABIJUL ISLAM
S/O MD. HUSSAIN ALI

VILL.- GORIABORI PATHAR WARD NO. 5
P.S.- MOIRABARI
DIST.- MORIGAON (ASSAM).

5: MD. SAIDUL ISLAM
S/O MD. HUSSAIN ALI

VILL.- GORIABORI PATHAR WARD NO. 5
P.S.- MOIRABARI
DIST.- MORIGAON (ASSAM).

6: MD. SAFIKUL ISLAM

S/O MD. HUSSAIN ALI

VILL.- GORIABORI PATHAR WARD NO. 5
P.S.- MOIRABARI
DIST.- MORIGAON (ASSAM).

7: MUSSTT. MORJINA KHATAN
W/O MD. IMRAN HUSSAIN

VILL.- GORIABORI PATHAR WARD NO. 5
P.S.- MOIRABARI
DIST.- MORIGAON (ASSAM).

8: MUSSTT. PRABIN SULTANA
W/O MD. SAIDUL ISLAM

VILL.- GORIABORI PATHAR WARD NO. 5
P.S.- MOIRABARI
DIST.- MORIGAON (ASSAM).

9: MUSSTT. OME KULSUM
W/O MD. HUSSAIN ALI

VILL.- GORIABORI PATHAR WARD NO. 5
P.S.- MOIRABARI
DIST.- MORIGAON (ASSAM)

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR M RAHMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 06.11.2023

Heard Mr. Motiur Rahman, learned counsel for the petitioners. Also

heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State as well as Mr. M. H. Ahmed, learned counsel for the informant.

Though the case diary was called for in connection with this case, however, learned Additional Public Prosecutor has submitted that in the meanwhile charge-sheet has been laid vide CS No. 185/2023 dated 29.09.2023.

Learned counsel for the petitioner has submitted that vide order dated 21.09.2023, the petitioners have appeared before the Investigating Officer in pursuant to the directions of this Court and their statements have been recorded by the Investigating Officer and has prayed for making the interim bail absolute.

On the other hand, Mr. M. H. Ahmed, learned counsel for the informant has produced certain photographs of the victim to show the brutality of the assault on the victim in this alleged incident. It is also submitted by learned counsel for the informant that if the bail of the present petitioner is made absolute, they may threaten the witnesses and on that ground he has opposed to making the interim bail absolute in this case.

At this stage, learned counsel for the petitioner has also produced the photographs of the petitioner No. 1's wife.

I have considered the submissions made by learned counsel for the parties.

Considering the fact that the charge-sheet has already been laid and also considering the fact that the statement of the present petitioners are reported to be recorded by the Investigating Officer and also considering the fact that there appears to be injuries sustained by the persons of both side, this anticipatory bail is disposed of with a direction that the interim anticipatory bail

granted by this Court by order dated 21.09.2023 shall be operative till the appearance of the present petitioners before the learned Trial Court and on appearance before the learned Trial Court, the petitioner shall make fresh prayer for bail before the said Court and their prayer may be considered on its own merit by the learned Trial Court.

With the above observation, this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant