

GAHC010229092023



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

**Case No. : AB/3522/2023**

MOHAMMAD ALI AND 5 ORS  
S/O LATE HAJI TAFIL UDDIN  
R/O VILL- NO. 5 BARUAJHAR,  
P.S. DALGAON,  
DIST. DARRANG, ASSAM

2: SAIDUR RAHMAN  
S/O MOHAMMAD ALI  
R/O VILL- NO. 5 BARUAJHAR

P.S. DALGAON

DIST. DARRANG  
ASSAM

3: SAJIDUL HOQUE  
S/O MOHAMMAD ALI  
R/O VILL- NO. 5 BARUAJHAR

P.S. DALGAON

DIST. DARRANG  
ASSAM

4: ABU BAKKA SIDDIQUE  
S/O LT. AHAMMAD ALI  
R/O VILL- NO. 5 BARUAJHAR

P.S. DALGAON

DIST. DARRANG  
ASSAM

5: ANIZUL HOQUE

S/O AHAMMAD ALI  
R/O VILL- NO. 5 BARUAJHAR

P.S. DALGAON

DIST. DARRANG  
ASSAM

6: SHAHJAHAN ALI  
S/O MOHAMMAD ALI  
R/O VILL- NO. 5 BARUAJHAR

P.S. DALGAON

DIST. DARRANG  
ASSA

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR H R A CHOUDHURY**

**Advocate for the Respondent : PP, ASSAM**

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

**ORDER**

**Date : 23-11-2023**

Heard Mr. HRA Choudhury, learned Senior Counsel, assisted by Ms. H. Ahmed, learned counsel for the petitioners. Also heard Ms. S.H. Bora, learned Additional Public Prosecutor, appearing for the State of Assam.

Learned Senior Counsel for the petitioners has submitted that by order dated 13.10.2023, all the 6(six) petitioners, namely, 1. Mohammad Ali, 2. Saidur

Rahman, 3. Sajidul Hoque, 4. Abu Bakkar Siddique, 5. Anizul Hoque and 6. Shahjahan Ali were allowed to go on interim anticipatory bail by this Court, and in pursuant to the directions of this Court, the petitioners have appeared before the Investigating Officer and has co-operated in the investigation.

On the other hand, Ms. S.H. Bora, learned Additional Public Prosecutor has produced the case diary of Dalgaon P.S. Case No. 409/2022 and has submitted that though the petitioners after being granted interim anticipatory bail by this Court have appeared before the Investigating Officer and their statements under Section 161 of the Code of Criminal Procedure, 1973 have also been recorded by the Investigating Officer. However, the injuries sustained by one Ainul Hoque appear to be grievous in nature caused by sharp weapon as per the medical report.

It is also submitted by learned Senior Counsel for the petitioners that the witnesses have implicated the petitioner No. 1 and petitioner No. 2 namely, 1. Mohammad Ali, and 2. Saidur Rahman specifically.

I have considered the submissions made by learned counsel for the parties and have perused the case diary of Dalgaon P.S. Case No. 409/2022.

It appears from the case diary that there are incriminating materials against the petitioners in the case diary.

It also appears that the petitioners side also filed cross-FIR against the other side and as submitted by learned Senior Counsel for the petitioners that there was an altercation between both the parties over a land dispute inherited from the own ancestors of both the parties.

In view of the fact that the petitioners have co-operated in the investigation and this Court finds no endorsement in the case diary to suggest that custodial detention of the present petitioners would be necessary for fair

completion of the investigation at this stage.

Hence, the interim anticipatory bail granted to the above named petitioners, by order dated 13.10.2023 is hereby made absolute with condition attached to the said order remaining intact.

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

Send back the case diary.

**JUDGE**

**Comparing Assistant**