

GAHC010239642023



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

**Case No. : Bail Appln./3857/2023**

SAHA ALOM AND ANR  
S/O HANIFUDDIN  
VILL- PUB KAMARPARA  
P.S. KHARUPETIA  
DIST. DARRANG, ASSAM

2: ABU BAKKAR SIDDIQUE  
S/O HANIFUDDIN  
VILL- PUB KAMARPARA  
P.S. KHARUPETIA  
DIST. DARRANG  
ASSA

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR M AHMED**

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

**BEFORE**

**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**10.11.2023**

Heard Mr. M. Ahmed, learned counsel for the petitioners. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, appearing for the State of Assam.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, Saha Alom, and Abu Bakkar Siddique who have been detained behind the bars since 18.09.2023 (since last 53 days) in connection with Kharupetia P.S. Case No. 181/2023, under Sections 148 /448 /427 /325 /326 /307 of the Indian Penal Code.

The accusation against the present petitioners is that on 14.09.2023 one Ms. Sajida Khatun lodged an FIR before the Officer-In-Charge of Kharupetia Police Station, *inter-alia*, alleging that the 10 numbers of accused persons named in the FIR including the present petitioners and some other unknown miscreants trespassed into their house and assaulted the elder brother of the first informant with daggers causing grievous injuries on his head. Thereafter, the accused persons also assaulted one Musa Ali and Abbash Ali causing injuries on their person and also assaulted other persons in the said house namely, Rejjak Ali, Sen Bhanu and others.

It is also alleged in the FIR that the informant's family members were threatened to leave their premises otherwise, a threat was given that the modesty of female members of the family would be outraged.

Learned counsel for the petitioners has submitted that there was an altercation between the two groups with regard to the possession of the

disputed property and cross FIR was also lodged against the other side by the family members of the present petitioners.

It is also submitted by the learned counsel for the petitioners that the petitioners are detained behind the bars since last 53 days and considering the length of detention they may be allowed to go on bail.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Kharupetia P.S. Case No. 181/2023 as well as Kharupetia P.S. Case No. 182/2023.

He has further submitted that three of the victims have undergone threatment at Gauhati Medical College and Hospital. However, the injury report from Gauhati Medical College and Hospital could not be obtained.

I have considered the submissions made by the learned counsel for both the sides and have gone through the case diary produced by the learned Additional Public Prosecutor. Though there are incriminating materials against the present petitioners in the case diary, however, considering the period of detention undergone by the petitioners as well as progress made in the investigation, their further custodial detention of the present petitioners does not appear to be necessary for fair completion of the investigation of this case.

Hence, the above named petitioners are hereby allowed to go on bail of Rs. 30,000/- each with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Darrang, Mangaldai with following condition that:-

(i) the petitioners shall not directly or indirectly make any inducement threat or promise to the victim or to any person who may be acquainted with the facts of the case so as to dissuade such person/victim to disclose such facts before the Investigating Officer or before the Court;

(ii) the petitioners shall co-operate in the investigation.

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

Send back the case diary.

**JUDGE**

**Comparing Assistant**