

GAHC010265682022



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

Case No. : AB/3791/2022

NAJMUL ALI AND 9 ORS
S/O SAMSER ALI
R/O VILL- BHOGPUR,
P.O. BHOGPUR, P.S. GORESWAR
DIST. TAMULPUR, ASSAM

2: MISS. REJIMA BEGUM @ REMIJA BEGUM
W/O MAJNUR ALI
R/O VILL- BHOGPUR

P.O. BHOGPUR
P.S. GORESWAR
DIST. TAMULPUR
ASSAM

3: SAMSER ALI
S/O LATE RAMJAN ALI
R/O VILL- BHOGPUR

P.O. BHOGPUR
P.S. GORESWAR
DIST. TAMULPUR
ASSAM

4: PACHNUR ALI
S/O LATE RAMJAN ALI
R/O VILL- BHOGPUR

P.O. BHOGPUR
P.S. GORESWAR
DIST. TAMULPUR
ASSAM

5: SAHJAHN ALI

S/O LATE RAMJAN ALI
R/O VILL- BHOGPUR

P.O. BHOGPUR
P.S. GORESWAR
DIST. TAMULPUR
ASSAM

6: MAHSEN ALI
S/O LATE RAMJAN ALI
R/O VILL- BHOGPUR

P.O. BHOGPUR
P.S. GORESWAR
DIST. TAMULPUR
ASSAM

7: RATUL ALI
S/O SAMSER ALI
R/O VILL- BHOGPUR

P.O. BHOGPUR
P.S. GORESWAR
DIST. TAMULPUR
ASSAM

8: RIYAJUL ALI
S/O SAMSER ALI
R/O VILL- BHOGPUR

P.O. BHOGPUR
P.S. GORESWAR
DIST. TAMULPUR
ASSAM

9: SAH ALOM CHOUDHURY
S/O PACHNUR ALI
R/O VILL- BHOGPUR

P.O. BHOGPUR
P.S. GORESWAR
DIST. TAMULPUR
ASSAM

10: FARUK ALI @ FARUK HUSSIN
S/O SAHJAHAN ALI
R/O VILL- BHOGPUR

P.O. BHOGPUR
P.S. GORESWAR
DIST. TAMULPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N K KALITA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 23.01.2023

Heard Mr. N. K. Kalita, learned counsel for the petitioners. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor for the State respondent.

By this application under Section 438, Code of Criminal Procedure, 1973 [CrPC], the petitioners viz. **1) Najmul Ali, 2) Rejima Begum, @ Remija Begum, 3) Samser Ali, 4) Pachnur Ali, 5) Sahjahn Ali, 6) Mahsen Ali, 7) Ratul Ali, 8) Riyajul Ali, 9) Sah Alom Choudhury, and 10) Faruk Ali @ Faruk Hussin** have prayed for pre-arrest bail, as they are apprehending arrest in connection with **Goreswar Police Station Case no. 130/2022 [G.R. Case no. 867/2022]** under Sections 447/448/384/354/325/307/506/34, of Indian Penal Code [IPC].

The allegation against the petitioner is that they barged into the

informant's house and attacked the informant and her husband. The petitioner no. 1 assaulted her husband with an iron rod causing injuries on his head. It is submitted on behalf of the petitioner that a subsequent FIR was lodged relating to the same incident by Rejima Begum who is the daughter-in-law of Samser Ali, petitioner no.3 against the present petitioners.

I have perused the case diary.

The CT scan report depicts that the injured person Ataur Rahman sustained simple injuries on his parietal region. Investigation has also progressed substantially. The statement of the witnesses have been recorded under Section 161 CrPC. Custodial interrogation at this stage does not appear to be necessary.

It appears that investigation may not be adversely affected, if the petitioners are enlarged on bail. Considering all aspects, the petition is allowed. In the event of arrest of the petitioners, namely, **1) Najmul Ali, 2) Rejima Begum, @ Remija Begum, 3) Samser Ali, 4) Pachnur Ali, 5) Sahjahn Ali, 6) Mahsen Ali, 7) Ratul Ali, 8) Riyajul Ali, 9) Sah Alom Choudhury, and 10) Faruk Ali @ Faruk Hussin** in connection with **Goreswar Police Station Case no. 130/2022 [G.R. Case no. 867/2022]**, shall be enlarged on bail of Rs. 20,000/- (Rupees twenty thousand) only, each with one surety of like amount each to the satisfaction of the arresting authority under the following conditions:

- (i) that the petitioners will refrain from such activities with which they are alleged;
- (ii) that the petitioners will not exercise threats to the witnesses as well as the informant; and
- (iii) that the petitioners will not leave the jurisdiction of the Court

without prior permission till completion of investigation.

In terms of above, this anticipatory bail application stands disposed.

The Case Diary is returned.

JUDGE

Comparing Assistant