

GAHC010027782024



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

Case No. : AB/321/2024

ALI AKBAR AND 3 ORS
S/O ABDUL KADIR,
RESIDENT OF VILLAGE TUKTUKI, PO TUKTUKI, PS DHING, DIST
NAGAON, ASSAM 782123

2: ASMA BEGUM
W/O ALI AKBAR
RESIDENT OF VILLAGE TUKTUKI
PO TUKTUKI
PS DHING
DIST NAGAON
ASSAM 782123

3: MAIFUL BEGUM @ MAINA KHATUN
D/O ALI AKBAR
RESIDENT OF VILLAGE TUKTUKI
PO TUKTUKI
PS DHING
DIST NAGAON
ASSAM 782123

4: NASRIN SULTANA
D/O ALI AKBAR
RESIDENT OF VILLAGE TUKTUKI
PO TUKTUKI
PS DHING
DIST NAGAON
ASSAM 78212

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MRS. H THAKURIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 21-02-2024

Heard Mr. E. Ahmed, learned counsel for the applicants. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

Apprehending arrest in connection with Dhing P.S. Case No. 200/2023, under Sections 354/325/506/34 of the IPC, this application under Section 438 Cr.P.C. has been preferred by four applicants, namely, Ali Akbar, Asma Begum, Maiful Begum @ Maina Khatun and Nasrin Sultana, for grant of pre-arrest bail.

It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Saddam Hussain on 08.11.2023. The essence of allegation made in the FIR dated 08.11.2023, is that on 05.11.2023, at about 9 a.m. in the morning, one Ali Akbar and Asma Begum were chasing the wife of the informant, namely, Almina Begum, in front of him and also assaulted her and pushed her down on the ground with an intention to kill her, and when he interfered the same, then the accused persons tried to attack him. But, somehow, he managed to escape and then accused Maina Khatun and Nasrin Sultana chased him with stick.

Mr. Ahmed, learned counsel for the applicant submits that pursuant to order dated 12.2.2024, the applicants had appeared before the I.O. and they have been cooperating with the investigating agency and the case has been

registered u/s 354/325/506/34 IPC and except Section 354 IPC, the other offences are bailable and so far Section 354 IPC is concerned, there is no material in support of the same and therefore, it is contended to make the interim order dated 12.2.2024 absolute in the same terms and conditions.

Mr. B. Sarma, learned Addl. P.P. has produced the case diary before this Court and submits that I. O has collected some materials in support of the allegation made in the FIR and therefore, Mr. Sarma has opposed the petition.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Addl. P.P.

It appears that pursuant to order dated 12.2.2024, the applicants have appeared before the I.O. and cooperating with the investigating agency. Further, considering the evidence collected so far in the case diary, specially, the statement of the victim woman, this Court is of the view that custodial interrogation of the applicants seems to be not warranted herein this case and therefore, interim order dated 12.2.2024 is hereby made absolute, in the same terms and conditions.

Case diary be returned.

JUDGE

Comparing Assistant