

GAHC010042462024



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

Case No. : AB/539/2024

PRABIN MALAKAR AND 3 ORS
S/O- SONARAM MALAKAR, VILL- BHOMARBODI, P.S. HAJO, DIST.-
KAMRUP, PIN- 781104

2: ANIL MALAKAR
S/O- RATIRAM MALAKAR
R/O- NO-1 KULHATI P.S. HAJO
PIN- 781104

3: AJIT MALAKAR
S/O- RATIRAM MALAKAR
R/O- NO-1 KULHATI P.S. HAJO
PIN- 781104

4: DIPUL MALAKAR
S/O- KESHAB MALAKAR
R/O- NO-1 KULHATI P.S. HAJO
DIST.- KAMRUP
PIN- 78110

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 22-05-2024

- 1.** Heard learned Senior Counsel Mr. T.J. Mahanta for the petitioners assisted by learned counsel Ms. T. Som. Also heard learned Addl. PP Mr. D. Das and learned counsel Mr. B.K. Mahajan for the informant.
- 2.** This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioners, namely, [1] Prabin Malakar [2] Anil Malakar [3] Ajit Malakar and [4] Dipul Malakar who are apprehending arrest in connection with Hajo P.S. Case No. 55/2024, under Sections 341/326/325/379/3 of the Indian Penal Code.
- 3.** The allegation against the petitioners is that they trespassed into the land of the informant and tried to erect a post outside the boundary of his land. When the informant tried to resist, the petitioner No. 2, Anil Malakar at the behest of the other petitioners dealt a blow with an iron rod on the informant's head causing grievous injuries on his head. The petitioner No. 2 also caused other injuries on the informant and snatched away the helmet with Rs. 30,000/-. The petitioner Nos. 1, 3 and 4 were already granted interim bail vide order dated 04.03.2024.
- 4.** I have scrutinised the Case Diary and the pictures of the head injury of the informant. I have also perused the Medical Report of the victim. The petitioner No. 2 was not granted interim bail. I have considered the Case Diary and the submissions at the Bar with circumspection. The petitioner Nos. 1, 3 and 4 have appeared before the IO and their statements have been recorded. The petitioners are willing to co-operate with the investigation.

5. Considering all aspects, the interim order dated 04.03.2024 so far the petitioner Nos. [1] Prabin Malakar [3] Ajit Malakar and [4] Dipul Malakar are concerned is hereby made absolute. The prayer for pre-arrest bail by petitioner No. 2 Anil Malakar as per Section 438 of the Cr.PC is hereby rejected.

6. The petitioners are also directed to refrain from such activities with which they are alleged, failing which bail order shall stand cancelled.

Send back the Case Diary.

JUDGE

Comparing Assistant