

GAHC010047692024



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

Case No. : AB/610/2024

ABDUR REJJAK @ REJJAK ALI AND 7 ORS
S/O LATE SAMSER ALI, R/O VILL - KATHADANGA, SATADUBI, AJ
KHANDA, P.O.-PATAKATA, P.S.-SOUTH SALMARA, P.S.-SOUTH SALMARA,
DIST-SOUTH SALMARA, STATE- ASSAM, PIN- 783127

2: ASHRAFUL ISLAM
S/O ABDUL REJJAK
R/O VILL - KATHADANGA
SATADUBI
AJ KHANDA
P.O.-PATAKATA
P.S.-SOUTH SALMARA
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA
STATE- ASSAM
PIN- 783127

3: NUR ALAM
S/O ABDUL REJJAK
R/O VILL - KATHADANGA
SATADUBI
AJ KHANDA
P.O.-PATAKATA
P.S.-SOUTH SALMARA
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA
STATE- ASSAM
PIN- 783127

4: ABDUL MANNAF
S/O LATE SAMSER ALI
R/O VILL - KATHADANGA
SATADUBI
AJ KHANDA

P.O.-PATAKATA
P.S.-SOUTH SALMARA
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA
STATE- ASSAM
PIN- 783127

5: HABEJ UDDIN MANDAL
S/O ABDUL AZIZ MANDAL
R/O VILL - KATHADANGA
SATADUBI
AJ KHANDA
P.O.-PATAKATA
P.S.-SOUTH SALMARA
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA
STATE- ASSAM
PIN- 783127

6: NUR ISLAM
S/O ABDUL REJJAK
R/O VILL - KATHADANGA
SATADUBI
AJ KHANDA
P.O.-PATAKATA
P.S.-SOUTH SALMARA
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA
STATE- ASSAM
PIN- 783127

7: NUR MAHAMMAD ALI
S/O YAKUB ALI
R/O VILL- KHODAJDILA
P.O.-PATAKATA
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA-MANKACHAR
STATE- ASSAM
PIN-783127

8: SHAMSUDDIN MANDAL
S/O ABDUL AZIZ MANDAL
R/O VILL- RAJABALA
P.O.-PATAKATA
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA-MANKACHAR
STATE- ASSAM
PIN-78312

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A W AMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER

05.04.2024

Heard Mr. S. Nawaz, learned counsel for the petitioners. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioners in connection with South Salmara P.S. Case No.36/2024 registered under Sections 147/ 148/ 149/ 379/ 325/326/307 of the Indian Penal Code.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioners, Mr. Nawaz that it was basically a fight between two groups regarding the land dispute which is adjacent to the house of the petitioners. However, after obtaining the order of interim pre-arrest bail, all the accused/petitioners appeared before the IO and their statement under Section 161 of Cr. P.C. are also recorded. He further submits that the accused/petitioners are ready and willing to co-operate the

investigation of the case and accordingly, it is prayed to make the interim pre-arrest bail order as absolute.

In this context, Mr. Kaushik, learned Additional Public Prosecutor, has submitted that the accused/petitioners are co-operating the IO and their statements have been recorded under Sections 161 of Cr. P. C. More so, from injury report of the victim, it is seen that 2 (two) victims sustained minor injury and 1 (one) victim had sustained grievous injury. Thus, he raised no objection on the prayer made by the learned counsel for the petitioners.

After hearing the submissions of learned counsels for both sides and also considering the materials available in the Case Diary, as well as considering the fact that the accused/petitioners has appeared before the IO and co-operated with the investigation of this case, I find it appropriate to extend the privilege of pre-arrest bail to the petitioners, namely **1. Abdur Rejjak, 2. Ashraful Islam, 3. Nur Alam, 4. Abdul Mannaf, 5. Habej Uddin Mandal, 6. Nur Islam, 7. Nur Mahammad Ali and 8. Shamsuddin Mandal**. Thus, the order passed by this Court dated 07.03.2024, in connection with South Salmara P.S. Case No.36/2024 registered under Sections 147/ 148/ 149/ 379/ 325/326/307 of the Indian Penal Code is hereby made absolute.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant