

GAHC010052562024



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

Case No. : AB/702/2024

RAHMAN ALI
S/O MD. ISUP ALI, R/O VILL- MAIBIYANI, P.S.-MUKALMUA, DIST-
NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR N BARMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 05.04.2024

Heard Mr. N. Barman, learned counsel for the petitioner. also heard Mr. R.R.Kaushik, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, namely Rahman Ali, who is apprehending arrest in connection with Mukalmua P.S. Case No.11/2024 under Sections

324/326/307/34 IPC (corresponding G.R. No.29/2024).

Case diary is received. Perused the same.

It is submitted by the learned counsel for the petitioner that it is a fact that there was a land dispute between two groups of people for a possession of land. For which, there was an altercation and scuffle took place between the two groups of people and out of the same incident the accused/petitioner also lodged an FIR against 14 numbers of persons and the said case is also charge-sheeted against them. However, he is ready to cooperate with the I/O for further investigation of the case if his prayer for pre-arrest bail is granted by this Court.

He further submits that there is sufficient progress in the investigation and hence custodial interrogation may not be necessary in this case.

In this connection, learned Additional Public Prosecutor has submitted that it is a fact that there was a dispute and the incident had happened due to altercation and scuffle between the two groups of people. From the injury report it is seen that two persons sustained injury and one of the victim sustained grievous injury and his little finger was also amputated as per the injury report and therefore, he raised objection in granting pre-arrest bail to the petitioner.

Considering the submissions made by the learned counsel for both sides and from the material available in the case diary, it is seen that the incident had happened only due to land dispute between the parties and cross case is lodged against the present informant. So considering all aspects of the case, I find that custodial interrogation may not be necessary in this case and hence I find it a fit case to grant the privilege of pre-arrest bail to the petitioner.

Accordingly, it is provided that in the event of arrest of the accused petitioner Rahman Ali in connection with Mukalmua P.S. Case No.11/2024 under Sections 324/326/307/34 IPC (corresponding G.R. No.29/2024), he shall be enlarged on pre-arrest bail on executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- i.that the petitioner shall appear before the Investigating Officer of the case within a period of 10 (ten) days from today;

ii.that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case; and

iii.that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

With the above observation and direction, the anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant