

GAHC010053012024



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

Case No. : AB/664/2024

SHAJAHAN ALI @ SAHAJAHAN ALI AND ORS
S/O LATE SUKUR ALI,
RESIDENT OF VILLAGE PARERCHAR PT. III, PS ABHAYAPUR, DIST
BONGAIGAON, ASSAM

2: MORIOM KHATUN
W/O SHAJAHAN ALI @ SAHAJAHAN ALI

RESIDENT OF VILLAGE PARERCHAR PT. III
PS ABHAYAPUR
DIST BONGAIGAON
ASSAM

3: TAHMINA KHATUN @ TAKMINA KHATUN
W/O TOTAMIYA THIKEDAR

RESIDENT OF VILLAGE PARERCHAR PT. III
PS ABHAYAPUR
DIST BONGAIGAON
ASSAM

4: RAJU AHMED @ NUR UDDIN AHMED
S/O SHAJAHAN ALI @ SAHAJAHAN ALI

RESIDENT OF VILLAGE PARERCHAR PT. III
PS ABHAYAPUR
DIST BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. MUSTAFA HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

04.06.2024

Heard Mr. S. Nawaz, learned counsel for the petitioners. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State.

By this application under Section 438 of Code of Criminal Procedure, 1973, the petitioners, namely, **(1) Shajahan Ali @ Sahajahan Ali, (2) Moriom Khatun, (3) Tahmina Khatun @ Takmina Khatun, and (4) Raju Ahmed @ Nur Uddin Ahmed** have approached this Court seeking the benefit of pre-arrest bail, apprehending their arrest, in connection with Abhayapuri Police Station Case No. 71/2024 registered under Sections 120B/304-B of IPC.

This Court vide order dated 13.03.2024 has granted interim protection to the petitioners while calling for case diary.

The case diary is received. Perused the same.

From the material available on record, it is seen that the petitioners have fully cooperated with the investigation and their statements were also recorded.

The material so far collected by the investigating officer, suggest that the accused No. 1, the husband of the deceased is the prime accused. The material so far collected against the present petitioners namely, **(1) Shajahan Ali @ Sahajahan**

Ali, (2) Moriom Khatun, (3) Tahmina Khatun @ Takmina Khatun, and (4) Raju Ahmed @ Nur Uddin Ahmed, and the stage of investigation, in the considered opinion of this Court, do not warrant custodial interrogation of the petitioners in this case inasmuch as the petitioners had co-operated with the investigating authority and there is no allegation that they had tried to hamper and tamper with the investigation.

Therefore, in the totality of the matter, the interim protection granted under order dated 13.03.2024 is made absolute with the same terms and condition.

Accordingly, this bail application stands disposed of.

Return back the case dairy.

JUDGE

Comparing Assistant