

GAHC010055592024



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

Case No. : AB/706/2024

FALANI BEGUM AND 5 ORS.
WIFE OF LATE SAHANUR ALI, RESIDENT OF VILL-DEURIKUCHI, PS-
BARPETA, DIST. - BARPETA, PINCODE-781314, ASSAM

2: AJARUL HOQUE
S/O LATE SAHANUR ALI
RO VILL- DEURIKUCHI
P.S. BARPETA

DIST. BARPETA
ASSAM
PIN-781314

3: ABIDA BEGUM
W/O TOJAMMEL HUSSAIN
D/O LATE SAHANUR ALI
R/O VILL- DEURIKUCHI
P.S. BARPETA

DIST. BARPETA
ASSAM
PIN-781314

4: JEHERUL HOQUE
S/O LATE SAHANUR ALI
R/O VILL- DEURIKUCHI
P.S. BARPETA

DIST. BARPETA
ASSAM
PIN-781314

5: MONUWARA BEGUM
D/O LATE SAHANUR ALI

R/O VILL- DEURIKUCHI

P.S. BARPETA

DIST. BARPETA

ASSAM

PIN-781314

6: TOJAMMEL HUSSAIN

S/O LATE TAHER ALI

R/O VILL- TEDHARA

P.S. MANDIA

DIST. BARPETA

ASSAM

PIN-78130

VERSUS

THE STATE OF ASSAM

REP BY THE PP, ASSAM.

Advocate for the Petitioner : MR P NEOG

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

10.05.2024

Heard Mr. P. Neog, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure praying for grant of pre-arrest bail to the accused/petitioners, who are apprehending arrest in connection with Barpeta P.S. Case No. 106/2024, under Sections 147/148/

149/447/448/326/325/427/506 of the Indian Penal Code.

The case was fixed today for production of Case Diary; however, it is submitted by the learned Additional Public Prosecutor, Mr. P. Borthakur, that the I.O. has already filed Charge-Sheet, vide Charge-Sheet No. 124/2024, dated 25.04.2024, and accordingly submitted that the present anticipatory bail application has become infructuous.

In this context, Mr. P. Neog, learned counsel for the petitioner, has submitted that after obtaining the order of interim pre-arrest bail, the petitioners have already appeared before the I.O. and their statements under Section 161 Cr.P.C. have already been recorded and hence, prayed for extending the interim pre-arrest bail till their appearance before the learned Court below.

Considering the submissions made by the learned counsels appearing for both sides and also considering the fact that the I.O. has already filed Charge-Sheet, vide Charge-Sheet No. 124/2024, dated 25.04.2024, the petitioners are hereby directed to appear before the learned Court below within 10 (ten) days from the date of passing of this order with an appropriate application for bail, which shall be considered by the learned Court below in accordance with law.

Till then, interim protection extended to the accused/ petitioners vide order dated 18.03.2024 shall continue.

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

JUDGE

Comparing Assistant