

GAHC010136642024



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

AB/856/2024

ANSER ALI @ AMSER ALI AND 3 ORS.
S/O LATE JAMAT ALI
R/O VILL- AMBARI BATANPARA
P.S. ABHAYAPURI
IN THE BONGAIGAON DISTRICT OF ASSAM.

2: MOHITON NESSA @ SOKITAN NESSA
W/O ANSER ALI @ AMSER ALI
R/O VILL- AMBARI BATANPARA
P.S. ABHAYAPURI
IN THE BONGAIGAON DISTRICT OF ASSAM.

3: MOHIR UDDIN
S/O ANSER ALI @ AMSER ALI
R/O VILL- AMBARI BATANPARA
P.S. ABHAYAPURI
IN THE BONGAIGAON DISTRICT OF ASSAM.

4: SHOHIDUL ISLAM
S/O ANSER ALI @ AMSER ALI
R/O VILL- AMBARI BATANPARA
P.S. ABHAYAPURI
IN THE BONGAIGAON DISTRICT OF ASSAM.
VERSUS

THE STATE OF ASSAM
TO BE REP BY THE LEARNED PP
ASSAM

Advocate for : MR SARFRAZ NAWAZ
Advocate for : PP

ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 05.09.2024

Heard Mr. S. Nawaj, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam appearing for the State respondent.

The present application has been filed under Section 438 Cr.P.C. by the petitioners namely, **1.** Anser Ali @ Amser Ali **2.** Mohiton Nessa @ Sokitan Nessa **3.** Mohir Uddin and **4.** Shohidul Islam praying for grant of pre-arrest bail in connection with Abhayapur P.S. Case No.79/2024 under Sections 302/34 IPC.

This Court vide order dated 13.05.2024 considering the materials available on record was pleased to grant pre-arrest bail to the petitioners herein.

It is contended that the petitioners herein in terms of the direction passed by this Court had appeared before the I/O and recorded their respective statements.

It is further contended that the petitioners have not misused the liberty granted to them in the form of interim pre-arrest bail by this Court on 13.05.2024.

However, the case diary reveals that on the date of the death of the deceased, the petitioners herein had gone for a village function and returned in the late night and accordingly had come to learn about the death of the deceased by way of hanging only in the early morning hour.

In view of the above position, this Court is of the view that the petitioners have made out a case for being grant the benefit of pre-arrest bail.

Accordingly, the interim pre-arrest bail granted to the petitioners by this Court on 13.05.2024 is hereby made absolute on the following conditions:-

(i) that the petitioners 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

(ii) that the petitioners 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, the Anticipatory Bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant