

GAHC010075692024



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

Case No. : AB/975/2024

UMME KULSUMA KHATUN AND 2 ORS.
W/O JAKIR HUSSAIN, R/O VILL AND P.O.-KALARCHAR, P.S.-MUKALMUA,
DIST-NALBARI, ASSAM

2: BAHRUL ISLAM
S/O LATE SORHAB ALI
R/O VILL AND P.O.-KALARCHAR
P.S.-MUKALMUA
DIST-NALBARI
ASSAM

3: KASHEM ALI
R/O VILL AND P.O.-KALARCHAR
P.S.-MUKALMUA
DIST-NALBARI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 15.05.2024

Heard Mr. A.M. Khan, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam for the State respondent.

This is an application under Section 439 of the Cr.P.C. praying for grant of pre-arrest bail of the accused/ petitioners who are apprehending arrest in connection with Garchuk P.S. Case No. 375/2023 registered under Sections 120(B)/420/407/468/409 of the IPC.

Case Diary has been received.

I have perused the same.

It is submitted by Mr. Khan, the learned counsel for the /accused petitioners that the accused/ petitioner No. 1 are in no way connected with the alleged offence. The learned counsel submitted that as per his instruction the accused/ petitioner No. 1 who has been granted interim pre-arrest bail vide order dated 09.04.2024 has already appeared before the I.O. and her statement has also been recorded.

It is also submitted that petitioner No. 1 is the wife of the FIR named accused Jakir Hussain. Petitioners Nos. 2 & 3 are the brother in law of petitioner No. 1 and they are businessman by profession. The petitioners are apprehending their arrest in connection with the above mentioned P.S. Case. Hence, the present petition for anticipatory bail.

In this context Mr. P. Borthakur, learned Addl. P.P. has submitted that considering materials available in the case diary the present prayer of the petitioners may be allowed with a condition to cooperate with the investigating officer for investigation of the case.

Considering the submissions made by the learned counsel for both the sides and the materials documents and other aspects of the case, I find that it is a fit case to extend privilege of pre-arrest bail to the accused/ petitioner Nos. 1. Umme Kulsuma Khatun, 2. Baharul Islam and 3. Kashem Ali.

Accordingly, it is provided that in the event of arrest of the accused/ petitioner Nos. 2 & 3, named above, in connection with Garchuk P.S. case No. 375/2023 registered under Sections 120(B)/420/407/468/409 of the IPC shall be enlarged on pre-arrest bail on executing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of the like amount to the satisfaction of the arresting authority subject to the conditions:

- i. That the petitioners No. 2 & 3 shall appear before the I.O. of the case within a period of one week from today;
- ii. That the petitioners No. 2 & 3 shall fully co-operate with the investigation of the case and shall appear before the I.O. as and when required in connection with the investigation of the aforementioned P.S. case; and
- iii. That the petitioners No. 2 & 3 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.

The accused petitioner No. 1 is already on interim pre-arrest bail. Accordingly, the interim order dated 09.04.2024 granted in respect of petitioner No. 1 is made absolute in the same terms and conditions.

With the above observations and directions, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant