

GAHC010075932024



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

Case No. : AB/999/2024

MAJOM ALI AND 5 ORS.
S/O LATE UMAR ALI, VILL- ALOMGANJ PART VII, P.O.-ALOMGAN, P.S.-
GAURIPUR, DIST-DHUBRI, ASSAM, PIN-783339

2: MOYAN ALI
S/O MOJAM ALI
VILL- ALOMGANJ PART VII
P.O.-ALOMGAN
P.S.-GAURIPUR
DIST-DHUBRI
ASSAM
PIN-783339

3: SOBAHAN ALI
S/O LATE UMAR ALI
VILL- ALOMGANJ PART VII
P.O.-ALOMGAN
P.S.-GAURIPUR
DIST-DHUBRI
ASSAM
PIN-783339

4: SANIDUL ISLAM
S/O SOBAHAN ALI
VILL- ALOMGANJ PART VII
P.O.-ALOMGAN
P.S.-GAURIPUR
DIST-DHUBRI
ASSAM
PIN-783339

5: AYNAL HOQUE
S/O MAJOM ALI
VILL- ALOMGANJ PART VII

P.O.-ALOMGAN
P.S.-GAURIPUR
DIST-DHUBRI
ASSAM
PIN-783339

6: AYAN UDDIN
S/O MAJOM ALI
VILL- ALOMGANJ PART VII
P.O.-ALOMGAN
P.S.-GAURIPUR
DIST-DHUBRI
ASSAM
PIN-78333

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

05.06.2024

Heard Mr M U Mondal, learned counsel for the petitioners, 1) Majom Ali, 2) Moyan Ali, 3) Sobahan Ali, 4) Sanidul Islam, 5) Aynal Hoque and 6) Ayan Uddin.

2. The petitioners have filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Gauripur PS Case No. 72/2024, registered under Sections 120(B)/341/147/148/325/427/379/307 IPC.

3. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.
4. It is submitted on behalf of the petitioners that they have also lodged an FIR on the same date, i.e., on 04.03.2024. The petitioner No. 1 has lodged an FIR against Abdur Rezzak, who is also related to petitioner No. 2, Moyan Ali.
5. It is submitted that both the parties are at logger heads and there was a group clash between both the parties.
6. It is submitted that the accused in the cross-case has already been granted anticipatory bail by this Court vide order dated 21.05.2024, in connection with AB No. 1135/2024.
7. The learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the Case Diary against the petitioners. The injured person has sustained grievous injuries on his metacarpal, right knee joint, right foot and right hand.
8. I have considered the submissions at the Bar with circumspection.
9. I have also scrutinized the Case Diary.
10. Indeed there are incriminating materials in the Case Diary against the petitioners .
11. I have considered the progress of investigation.
12. It appears that custodial interrogation may not be required.
13. I have also considered the submission that the petitioners are willing to abide any

stringent conditions if imposed upon them.

14. Considering all aspects and in view of my foregoing discussions, petition is allowed. In the event of their arrest, the petitioners shall be enlarged on bail of Rs. 50,000/- each, with a suitable surety of the like amount to the satisfaction of the arresting authority under the conditions that-

- i) the petitioners shall appear before the IO within 10 days and cooperate with the investigation,
- ii) the petitioners shall refrain from such activities, with which they are alleged, and
- iii) the petitioners shall not leave the jurisdiction of the Court, without prior permission, till completion of investigation.

On breach of any of the bail conditions, bail order shall stand cancelled.

15. Bail Application stands disposed of.

16. Send back the Case Diary.

JUDGE

Comparing Assistant