

GAHC010078312024



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

Case No. : AB/1023/2024

SAINUDDIN AND 2 ORS.
S/O LT. SAHAJAL HOQUE
R/O GORAKHAT
P.S. DALGAON
DIST. DARRANG, ASSAM
PH. NO. 9577726468

2: NASIMUDDIN
S/O KITAB ALI
R/O GORAKHAT
P.S. DALGAON
DIST. DARRANG
ASSAM
PH. NO. 9577726468

3: SABIKUL ISLAM
S/O JOHURUDDIN
R/O GORAKHAT
P.S. DALGAON
DIST. DARRANG
ASSAM
PH. NO. 957772646

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 18.07.2024

Heard Mr. K. Thakur, learned counsel for the petitioners and Mr. P. Borthakur, learned Addl. Public Prosecutor appearing on behalf of the State respondent.

This is an application under Section 438 Cr.P.C., seeking pre-arrest bail by the petitioners namely **(1) Sainuddin, (2) Nasimuddin and (3) Sakibul Islam** in connection with Dalgaon P.S. Case No. 57/2024 under Sections 447/ 448/ 325/ 392/ 34 IPC.

It is submitted by Mr. Thakur, learned counsel for the petitioners that the petitioners are innocent and they are in no way connected with the offence alleged in the FIR. However, there was family dispute between the parties on the date of incident and there was an altercation between the two groups and apart from that no such incident happened. The petitioners have appeared before the I.O. after obtaining the interim pre-arrest bail and their statement have been recorded by the I.O. He further submitted that the petitioners are ready and willing to cooperate with the investigation, if they are released on interim pre-arrest bail.

In this context, Mr. Borthakur, the learned Addl. Public Prosecutor has submitted that out of two injured persons, the injury report of one Gulechan Khatun is available with the case diary, who sustained minor injury and other injured namely Hazrat Ali whose injury report is not available in the C.D. However, it is seen that there is family enmity between the two groups and

some witnesses have implicated the accused persons. However, considering the material available in the case diary, he raised no objection for granting pre-arrest bail at this stage.

Considering the submissions of the learned counsel for the parties and considering the entire aspects of the matter, this Court is of the view that further custodial interrogation may not be necessary in the present case, for the interest of further investigation.

Accordingly it is hereby directed that the interim pre-arrest bail granted to the petitioners vide order dated 20.04.2024 is hereby made absolute with the same terms and condition as mentioned in the interim order itself.

With the above observation, the bail application is disposed of.

Returned the case diary.

JUDGE

Comparing Assistant