

GAHC010080242024



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

Case No. : AB/1035/2024

IYAKUB ALI @ YAKUB ALI AND 8 ORS.
S/O LATE ABDUL AZAD,
VILL.- DHEKERIGAON,
P.S.- DALGAON, DIST.- DARRANG, ASSAM.

2: ABUL KALAM AZAD
S/O LATE ABDUL SATTAR

VILL.- DHEKERIGAON

P.S.- DALGAON
DIST.- DARRANG
ASSAM.

3: UMME MULSAN
W/O IYAKUB ALI @ YAKUB ALI

VILL.- DHEKERIGAON

P.S.- DALGAON
DIST.- DARRANG
ASSAM.

4: KASIM ALI
S/O IYAKUB ALI @ YAKUB ALI

VILL.- DHEKERIGAON

P.S.- DALGAON
DIST.- DARRANG
ASSAM.

5: SABINA YASMIN
W/O ABDUL KALAM AZAD

VILL.- DHEKERIGAON

P.S.- DALGAON
DIST.- DARRANG
ASSAM.

6: ABDUL HOQUE
S/O IYAKUB ALI @ YAKUB ALI

VILL.- DHEKERIGAON

P.S.- DALGAON
DIST.- DARRANG
ASSAM.

7: ABDUL MONNAF
S/O IYAKUB ALI @ YAKUB ALI

VILL.- DHEKERIGAON

P.S.- DALGAON
DIST.- DARRANG
ASSAM.

8: MAMONI KHATUN
W/O KASIM ALI

VILL.- DHEKERIGAON

P.S.- DALGAON
DIST.- DARRANG
ASSAM.

9: ABIDA SULTANA
W/O ABDUL MONNAF

VILL.- DHEKERIGAON

P.S.- DALGAON
DIST.- DARRANG
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PUBLIC PROSECUTOR.

Advocate for the Petitioner : MR M HOQUE

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 29-05-2024

Heard Mr. M. Hoque, learned counsel for the petitioners.

2. The petitioners namely 1. Iyakub Ali @ Yakub Ali, 2. Abul Kalam Azad, 3. Umme Mulsan, 4. Kasim Ali, 5. Sabina Yasmin, 6. Abdul Hoque, 7. Abdul Monnaf, 8. Mamoni Khatun and 9. Abida Sultana have filed this application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC for short) with a prayer for pre-arrest bail as they are apprehending arrest in connection with Dalgaon Police Station Case No. 24/2024 under Sections 325/326/506/34 of the Indian Penal Code, 1860 (IPC for short).

3. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State and Mr. U.K. Deka, learned counsel for the informant .

4. The FIR unfolds that on 03.12.2023 at about 12:00 PM the petitioners entered into the house of the informant forcefully and took possession of the same. Thereafter, on 02.02.2024, the petitioners armed with dao, stick and sword etc. assaulted the informant causing grievous injury.

5. It is submitted at the bar that the informant has sustained fracture caused by blunt force impact on his hand and below his knee. It is submitted by the learned Additional Public Prosecutor that there are incriminating materials in the

Case diary against the petitioners. The petitioners have however appeared before the Investigating Officer and their statements have been recorded.

6. I have considered the submissions at the bar with circumspection.

7. The petitioners have not violated any bail conditions. They are already on interim bail. The petitioners are willing to cooperate with the remaining part of investigation.

8. Considering all aspects and in view of my foregoing discussions, the interim order dated 22.04.2024 is hereby made absolute.

9. In the above terms and observations, this Anticipatory Bail application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant