

GAHC010088142024



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

Case No. : AB/1185/2024

ANSAR ALI @ ANSER ALI AND 2 ORS.
S/O LT. BAMUN UDDIN @ BAMON UDDIN
RESIDENT OF VILLAGE- CHENGURCHAR, P.S. MANKACHAR, DIST. SOUTH
SALMARA MANKACHAR, ASSAM, PIN- 783136

2: ANOWAR ALI
S/O LT. BAMUN UDDIN @ BAMON UDDIN
RESIDENT OF VILLAGE- CHENGURCHAR
P.S. MANKACHAR
DIST. SOUTH SALMARA MANKACHAR ASSAM
PIN- 783136

3: SAJEDA BIBI
W/O ANSAR ALI
RESIDENT OF VILLAGE- CHENGURCHAR
P.S. MANKACHAR
DIST. SOUTH SALMARA MANKACHAR ASSAM
PIN- 78313

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K ROYCHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

24.05.2024

Heard Mr P K Roy Choudhury, learned counsel for the petitioners, 1) Ansar Ali @ Anser Ali, 2) Anowar Ali and 3) Sajeeda Bibi.

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 Mankachar PS Case No. 88/2024, under Sections 341/325/354/354-B/34 and added Section 302 IPC.

3. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam/respondent.

4. The allegations against the petitioners is that all the petitioners assaulted the victim, which led to her death.

5. It is submitted on behalf of petitioners that the petitioner No. 3, who was granted interim pre-arrest bail vide order dated 09.05.2024, has appeared before the IO and she has cooperated with the investigation. Moreover, it is submitted on behalf of all the petitioners that the victim died a natural death as she was suffering from diarrhea. The victim fell down and sustained fatal injuries on her head.

6. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials against the petitioners in the Case Diary.

7. The witnesses' statements recorded under Section 161 CrPC, have implicated all

the three petitioners.

8. I have considered the submissions at the Bar with circumspection. I have also scrutinized the Case Diary and the Post-Mortem report of the victim.

9. The opinion of the Medical Officer is that the death was *ante-mortem* in nature.

10. The petitioners are booked under a serious offence and they are not entitled to pre-arrest bail.

11. In view of my foregoing discussions, it is thereby held that there appears no justified ground to extend the privilege of pre-arrest bail to the present petitioners. Accordingly, the bail petition is rejected.

12. The interim bail granted by this Court in respect of the petitioner No. 3, stands vacated.

13. Send back the Case Diary.

JUDGE

Comparing Assistant