

GAHC010105522024



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

Linked Case : AB/1235/2024

MD. ILIAS ALI AND ANR.
S/O LT. AYUB ALI
R/O WARD NO. 2

MANGALDOI

P.S. MANGALDOI
DIST. DARRANG
ASSAM

2: MD. REKIB UDDIN AHMED
S/O SAMSUL HAQUE
R/O ONDULAJAN
P.S. DHULLA
P.O. DHULLA
DARRANG
ASSAM
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR P KATAKI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE

HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

03.06.2024

1. Heard R. Begum, learned counsel for the petitioners, Md. Ilias Ali and Md. Rekib uddin Ahmed.
2. This application has been filed by the petitioner under section 438 Cr.pc as the petitioners, Md. Ilias Ali and Md. Rekib uddin Ahmed are apprehending arrest in connection with Mangaldoi P. S. Case No. 113/2024 under Sections 147/149/427/326/506/307 of the IPC.
3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, who has submitted that there are incriminating materials in the Case Diary against the petitioners.
4. I have perused the Case Diary. Indeed there are incriminating materials against the present petitioners.
5. The victims have sustained injuries. Victim, Shasanka Deka has sustained grievous injury caused by blunt object on left metacarpal bone and other Injuries whereas the other victim, Jiten Deka has sustained simple injury caused by blunt object.
6. I have considered the submissions at the Bar with circumspection.
7. The allegations against the petitioners is that, when the informant and his son tried to sell betel nut, the petitioners restrained and attacked them causing grave injuries on the informants' son as well as on her husband.
8. I have considered the submissions at the Bar with circumspection. Investigation has also progressed to a considerable extent. The petitioners have

pledged to co-operate with the remaining part of the investigation.

9. It appears that custodial interrogation may not be required for further progress of investigation.
10. Considering all aspects, petition is allowed.
11. The petitioners are enlarged on bail of Rs. 50,000/- (Rs. Fifty thousand only) with a suitable surety of like amount to the satisfaction of the arresting authority under the condition that;
 - (i) the petitioner shall refrain from such activities with which he is alleged;
 - (ii) the petitioner shall not leave jurisdiction of the Court without prior permission till completion of investigation; and
 - (iii) the petitioner shall appear before the arresting authority within 10 (ten) days.
12. On breach of any of the bail conditions, bail order shall stand cancelled.
13. Send back the Case Diary.

JUDGE

Comparing Assistant