

GAHC010099242024



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

Case No. : AB/1308/2024

MONNAS ALI AND 7 ORS.

S/O EUNUS ALI

R/O VILL- MOUSITHA GOSORGURI, P.O. SHYAMTILA, P.S. DHULA, DIST.

DARRANG, ASSAM, PIN NO. -784514

2: MD. BAHARUL ISLAM

S/O EUNUS ALI

R/O VILL- MOUSITHA GOSORGURI

P.O. SHYAMTILA

P.S. DHULA

DIST. DARRANG

ASSAM

PIN NO. -784514

3: NURJAHAN BEGUM @ MAJANI BEGUM

W/O MD. BAHARUL ISLAM

R/O VILL- MOUSITHA GOSORGURI

P.O. SHYAMTILA

P.S. DHULA

DIST. DARRANG

ASSAM

PIN NO. -784514

4: GOLESA KHATUN

W/O KAMAL UDDIN

R/O VILL- SIMALUGURI

P.O. GALANDI

P.S. DALGAON

DIST. DARRANG

ASSAM

PIN-784115

5: MAMATAZ BEGUM

W/O MANNAS ALI
R/O VILL- MOUSITHA GOSORGURI
P.O. SHYAMTILA
P.S. DHULA
DIST. DARRANG
ASSAM
PIN NO. -784514

6: SHOBHA KHATUN
C/O KHAJRUL ISLAM
R/O VILL- MOUSITHA GOSORGURI
P.O. SHYAMTILA
P.S. DHULA
DIST. DARRANG
ASSAM
PIN NO. -784514

7: JARINA KHATUN
W/O NAZRUL ISLAM
R/O VILL- MOUSITHA GOSORGURI
P.O. SHYAMTILA
P.S. DHULA
DIST. DARRANG
ASSAM
PIN NO. -784514

8: NARGIS SULTANA @ NARGIS KHATUN
D/O NAZRUL ISLAM
R/O VILL- MOUSITHA GOSORGURI
P.O. SHYAMTILA
P.S. DHULA
DIST. DARRANG
ASSAM
PIN NO. -78451

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

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

ORDER

Date : 26-06-2024

Heard Mr. S. Islam, learned counsel for the petitioners namely 1. Monnas Ali, 3. Nurjahan Begum @ Majani Begum, 4. Golesa Khatun, 5. Mamataz Begum, 6. Shobha Khatun, 7. Jarina Khatun and 8. Nargis Sultana @ Nargis Khatun, who have filed this application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for pre-arrest bail as they are apprehending arrest in connection with Dhula Police Station Case No. 61/2024 under Sections 341/447/448/323/326/328/354/34 of the Indian Penal Code, 1860 (IPC for short).

2. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

3. It is submitted that the petitioner No. 2 has already been arrested and released on bail.

4. The allegation against the petitioners is that the petitioners have assaulted the victim and her sister, and tied their hands on a tree and thereafter, poured chili powder water over the victim and subsequently, the victim became unconscious.

5. The learned Additional Public Prosecutor has raised objection stating that the injury report is not received. There are incriminating materials in the Case Diary against the petitioners. He has raised serious objection against the bail petition.

6. The learned counsel for the petitioners has submitted that this case has

been pending for Case Diary since 21.05.2024 but the Case Diary has been forwarded without the injury report. It is submitted that the petitioners are innocent and a false case has been slammed against them. The petitioners are willing to cooperate with the investigation. It is also submitted that the FIR is cryptic and no case under Section 326 of the IPC is made out against the petitioners.

7. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioners. Investigation has progressed to a considerable extent. It appears that custodial interrogation may not be required. The petitioners have pledged to abide by any stringent bail conditions, if imposed upon them and to cooperate with the investigation. The petitioners are local residents and they are not flight risks.

8. Considering all aspects and in view of my foregoing discussions, petition is allowed.

9. Considering all aspects, petition is allowed.

10. In the event of their arrest, the petitioners No. 1, 3, 4, 5, 6, 7 and 8 shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

(i) The petitioners No. 1, 3, 4, 5, 6, 7 and 8 shall appear before the Investigating Officer within 1 (One) week and cooperate with the investigation.

(ii) The petitioners No. 1, 3, 4, 5, 6, 7 and 8 shall refrain from such activities with which they are alleged.

(iii) The petitioners No. 1, 3, 4, 5, 6, 7 and 8 shall not exercise threats to the witness or try to influence them.

(iv) The petitioners No. 1, 3, 4, 5, 6, 7 and 8 shall not leave the jurisdiction of the Court without prior permission.

11. On breach of any of the bail conditions, bail order shall stand cancelled.
12. In the above terms, this Anticipatory Bail application stands disposed of.
13. Send back the Case Diary.

JUDGE

Comparing Assistant