

GAHC010099642024



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

Case No. : AB/1301/2024

PURNIMA KHATUN AND ANR.
W/O JALENUR MANDAL
R/O VILL- CHIKIBIKI
P.S. BOGAIGAON
DIST. BONGAIGAON,
PIN-783380

2: SANOWAR MANDAL @ SANOWAR @ CHANOWAR HUSSAIN MANDAL
S/O ABDULMANNAF MANDAL
R/O VILL- CHIKIBIKI
P.S. BONGAIGAON

DIST. BONGAIGAON
ASSAM
PIN-78338

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27.06.2024

Heard Mr. S.C. Biswas, learned counsel for the petitioners, (i) Purnima

Khatun @ Begum (ii) Sanowar Mandal @ Sanowar @ Chanowar Hussain Mandal.

2. The petitioners have filed this application under Section 438 Cr.P.C., with prayer for pre-arrest bail, as they are apprehending arrest in connection with Bongaigaon P.S. Case No. 115/2024, under Sections 447/302/34 IPC.

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

4. The allegation against the petitioners is that they along with co-accused named in the FIR armed with heavy bamboo and iron rods attacked Amzad Ali Sheikh. When the father of Amzad Ali Sheikh and other relatives tried to stop the attack, they were also attacked in the process. The victim Amzad Ali Sheikh was taken to the Bongaigaon Civil Hospital but he was declared as dead.

5. It is submitted by the learned counsel for the petitioners that the charge-sheet has not been laid against the petitioners. He further submits that the petitioners are in no way involved in the alleged offence as stated in the FIR. Considering the background of the case, the petitioners may be granted the privilege of pre-arrest bail.

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

7. I have considered the submissions at the Bar with circumspection. I have also scrutinized the case diary.

8. It appears that the petitioners are booked under a serious offence and they are not entitled to pre-arrest bail at this stage.

9. 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 at this stage.

10. The bail application stands disposed of.

11. Send back the case diary.

JUDGE

Comparing Assistant