

GAHC010104522024



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

Case No. : AB/1377/2024

SADEK ALI AND 7 ORS
S/O AKABAR ALI, R/O NO. 2 KUWARIPUKHURI, P.S.-KHARUPETIA, DIST-
DARRANG (ASSAM), PIN-784116

2: HAKIM ALI @ ABDUL HAKIM
S/O AKABAR ALI
R/O NO. 2 KUWARIPUKHURI
P.S.-KHARUPETIA
DIST- DARRANG (ASSAM)
PIN-784116

3: SUKUR ALI
S/O AKABAR ALI
R/O NO. 2 KUWARIPUKHURI
P.S.-KHARUPETIA
DIST- DARRANG (ASSAM)
PIN-784116

4: MAJAM ALI
S/O AKABAR ALI
R/O NO. 2 KUWARIPUKHURI
P.S.-KHARUPETIA
DIST- DARRANG (ASSAM)
PIN-784116

5: TAFIKUL ISLAM
S/O SADEK ALI
R/O NO. 2 KUWARIPUKHURI
P.S.-KHARUPETIA
DIST- DARRANG (ASSAM)
PIN-784116

6: JEHERUL ISLAM
S/O SADEK ALI

R/O NO. 2 KUWARIPUKHURI
P.S.-KHARUPETIA
DIST- DARRANG (ASSAM)
PIN-784116

7: TAMJIDA BEGUM
W/O SADEK ALI
R/O NO. 2 KUWARIPUKHURI
P.S.-KHARUPETIA
DIST- DARRANG (ASSAM)
PIN-784116

8: ROUSANARA BEGUM
W/O HAKIM ALI
R/O NO. 2 KUWARIPUKHURI
P.S.-KHARUPETIA
DIST- DARRANG (ASSAM)
PIN-78411

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A K AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

13.06.2024

Heard Mr A K Ahmed, learned counsel for the petitioners, 1) Sadek Ali, 2) Hakim Ali @ Abdul Hakim, 3) Sukur Ali, 4) Majam Ali, 5) Tafikul Islam, 6) Jeherul Islam, 7) Tamjida Begum and 8) Rousanara Begum, who have filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Kharupetia PS Case No. 38/2024, registered under Sections 143/147/148/149/341/

325/326/354 of the Indian Penal Code, 1860.

3. Heard Ms N Das, learned Additional Public Prosecutor for the State of Assam/respondent.

4. The FIR unfolds that on 04.04.2024, the petitioners called Khadem Ali, father of the informant and tried to coerce him to compromise a case. When Khadem Ali denied, the petitioners assaulted him with sharp weapons, causing grave injuries on his person. The injured person raised alarm and then, his wife, Khairun Nessa and sons, Abu Sahed, Meser Ali and Turap Ali and nephew Jakaria tried to prevent the assault and they were assaulted in the process.

5. The learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioners.

6. The victim, Khadem Ali has sustained simple injuries caused by blunt object.

7. I have also scrutinized the Case Diary.

8. There are indeed incriminating materials in the Case Diary, against the petitioners.

9. I have considered the submission that there was a scuffle between both the parties.

10. I have considered the progress of investigation.

11. It appears that custodial interrogation of the petitioners may not be required.

12. The petitioners are local residents and they have pledged to cooperate with the remaining part of investigation and to abide by any stringent conditions, if imposed upon

them. .

13. Considering all aspects and in view of my foregoing discussions, petition is allowed. In the event of their arrest, the petitioners shall be enlarged on bail of Rs. 30,000/- each, with a suitable surety each of the like amount to the satisfaction of the arresting authority, under the conditions that:-

- i) the petitioners shall appear before the IO within 7 (seven) days from today and cooperate with the investigation,
- ii) the petitioners shall not exercise threats to the witnesses;
- iii) the petitioners shall not leave the jurisdiction of the Court, till completion of investigation, and
- iv) the petitioners shall refrain from such activities with which they are alleged.

On breach of any of the bail conditions, the bail order shall stand cancelled.

14. Bail Application stands disposed of.

15. Send back the Case Diary.

JUDGE

Comparing Assistant