

GAHC010110142024



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

Case No. : AB/1467/2024

AFSAR ALI AND 3 ORS.
S/O FULCHAN ALI @ FULCHAND ALI, R/O VILL- FALIMARI PART-I, P.S.
AND DIST- DHUBRI, ASSAM, PIN-783325

2: FULCHAN ALI @ FULCHAND ALI
S/O SOBUR UDDIN
R/O VILL- FALIMARI PART-I
P.S. AND DIST- DHUBRI
ASSAM
PIN-783325

3: ANOWARA KHATUN
W/O FULCHAN ALI @ FULCHAND ALI
R/O VILL- FALIMARI PART-I
P.S. AND DIST- DHUBRI
ASSAM
PIN-783325

4: KULSUM KHATUN @ UMME KULSUM
D/O FULCHAN ALI @ FULCHAND ALI
R/O VILL- FALIMARI PART-I
P.S. AND DIST- DHUBRI
ASSAM
PIN-783325 (BEING MINOR REPRESENTED BY HER FATHER AND
NATURAL GUARDIAN NAMELY
FULCHAN ALI @ FULCHAND ALI

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : PP, ASSAM

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

ORDER

24.06.2024

1. Heard learned counsel Mr. M. A. Sheikh for the petitioners, namely (i) Afsar Ali, (ii) Fulchan Ali, (iii) Anowara Khatun and (iv) Kulsum Khatun @ Umme Kulsum.
2. This application has been filed by the petitioners under Section 438 of the Cr. PC, with prayer for pre arrest bail in connection with Dhubri P. S. Case No. 112/2024, corresponding to G. R. Case No. 371/2024 under Sections 120(B)/341/326/307/294/354(B)/506 of the IPC.
3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam.
4. I have considered the submissions at the Bar with circumspection.
5. The learned counsel for the petitioners has submitted that serious allegations have been raised against accused no. 2 Faruk who is not a petitioner in this case.
6. The allegations against all the accused is that when the informant tried to defend the assault, the petitioners outraged her modesty, and thereafter, the petitioners also threatened her. The accused no. 2 Faruk hit her husband on his head, which rendered him unconscious. It is also submitted on behalf of the petitioners that the petitioner Fulchan Ali has filed a petition under Section 107/144 of the Cr.PC against the informant and her husband as they tried to

encroach upon his land. It is also submitted that on account of this land dispute a false case has been filed against the petitioners.

7. Learned Additional Public Prosecutor, Mr. B. B. Gogoi has submitted that there are incriminating materials against the petitioner in the Case Diary. There are not only incriminating materials against the accused Faruq but there are also incriminating materials against the petitioner No. 1.

8. I have scrutinized the Case Diary. There are incriminating materials against all the petitioners but the prime accused appears to be Faruq.

9. Investigation has also progressed to a considerable extent. It is true that the petitioners have been involved in an offence of grave nature but I have considered the submissions of the petitioners that they are willing to co-operate with the remaining part of the investigation and abide by any stringent bail conditions.

10. I have also considered the submissions that serious allegations are basically directed towards Faruq. The petitioners have appeared before the Investigating Officer and their statements have been recorded. They have not violated any bail conditions.

11. Considering all aspects and in view of my foregoing discussions, interim order dated 05.06.2024 is hereby made absolute.

12. The petitioners are to abide by bail conditions imposed upon them vide order dated 05.06.2024.

13. Send back the Case Diary.

JUDGE

Comparing Assistant