

GAHC010111462024



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

Case No. : Bail Appln./1624/2024

ATOWAR ALI AND 6 ORS.
S/O SAHEB ALI
R/O KATLARTARI
P.S. HOWLY
DIST. BARPETA, ASSAM

2: INZAMAMUL HOQUE
S/O AKBAR MIYA
R/O KATLARTARI
P.S. HOWLY
DIST. BARPETA
ASSAM

3: JOYNAL ABDIN
S/O AKBAR MIYA
R/O KATLARTARI
P.S. HOWLY
DIST. BARPETA
ASSAM

4: SAHAB ALI
S/O LT. CHAND MOHAN ALI
R/O KATLARTARI
P.S. HOWLY
DIST. BARPETA
ASSAM

5: NIRAJUL MIYA @ HORU GEDA
S/O LT. AFJAL MIYA
R/O KATLARTARI
P.S. HOWLY
DIST. BARPETA
ASSAM

6: JAHUR KHAN
S/OLT. DOULAT KHAN
R/O KATLARTARI
P.S. HOWLY
DIST. BARPETA
ASSAM

7: ABDUL MIYA
S/O LT. MIYA CHAND MIYA
R/O KATLARTARI
P.S. HOWLY
DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 13-06-2024

Heard Mr. S.M. Abdullah, learned counsel for the petitioners 1. Atowar Ali, 2. Inzamamul Hoque, 3. Joynal Abdin, 4. Sahab Ali, 5. Nirajul Miya @ Horu Geda, 6. Jahur Khan and 7. Abdul Miya.

2. The petitioners have filed this application under Section 439 of the Code of Criminal Procedure, 1973 with prayer for bail as they are behind bars since 16.05.2024 and 17.05.2024 respectively, in connection with Barpeta Police Station Case No. 198/2024 under Sections 147/148/149/294/325/326/307/379 of the Indian Penal Code, 1860.

3. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioners is that they have entered into the premises of the informant armed with stick, dao and axe etc. and have assaulted the informant, his father and his brother Kanakjyoti Talukdar causing grave injuries and the informant's father and brother had to be taken to FAAMCH, Barpeta for treatment. The petitioners have also snatched away the mobile phone, 2 (Two) ATM Cards and cash of Rs.20,000/- (Rupees Twenty Thousand) from Kanakjyoti Talukdar and his friend.

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

6. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary.

7. Indeed there are incriminating materials in the Case Diary against the petitioners. However, investigation has progressed to a considerable extent. It appears that further custodial detention may not be required for the progress of investigation. The petitioners are local residents and they have pledged to abide by any stringent bail conditions if imposed upon them.

8. Considering all aspect and in view of my foregoing discussion, petition is allowed.

9. The petitioners are enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* each with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Barpeta under the conditions that:

(i) The petitioners shall refrain from such activities with which they are alleged.

(ii) The petitioners shall not exercise threats to the witnesses.

(ii) The petitioners shall not leave the jurisdiction of the Court without prior permission.

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

11. In the above terms, this Bail Application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant