

GAHC010163852024



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

Case : AB/1493/2024

RAJU AHMED @ RAJU ALI AND 8 ORS
S/O GONI ALI
R/O BARNI
KHALIFA CHUPA
P.S.-HAJO
DIST- KAMRUP
ASSAM

2: CHADDAM ALI @ SADDAM ALI
S/O SULTAN ALI
R/O BARNI
KHALIFA CHUPA
P.S.-HAJO
DIST- KAMRUP
ASSAM

3: NASIBUDDIN AHMED @ SARU ALI
S/O SULTAN ALI
R/O BARNI
KHALIFA CHUPA
P.S.-HAJO
DIST- KAMRUP
ASSAM

4: RAIFUDDIN AHMED @ CHANA ALI
S/O ILLIAS ALI
R/O BARNI
KHALIFA CHUPA
P.S.-HAJO
DIST- KAMRUP
ASSAM

5: SAIFUDDIN AHMED @ SAIFU ALI

S/O MOHAMMAD ALI
R/O BARNI
KHALIFA CHUPA
P.S.-HAJO
DIST- KAMRUP
ASSAM

6: BEKI ALI @ SARU ALI
S/O SAIFUDDIN ALI
R/O BARNI
KHALIFA CHUPA
P.S.-HAJO
DIST- KAMRUP
ASSAM

7: OWAJ ALI
S/O ANAR ALI
R/O BARNI
KHALIFA CHUPA
P.S.-HAJO
DIST- KAMRUP
ASSAM

8: JEHERUL ALI
S/O OWAJ ALI
R/O BARNI
KHALIFA CHUPA
P.S.-HAJO
DIST- KAMRUP
ASSAM

9: SAIDUL ALI @ SAIDUR RAHMAN
S/O OWAJ ALI
R/O BARNI
KHALIFA CHUPA
P.S.-HAJO
DIST- KAMRUP
ASSAM
VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR S M ABDULLAH P
Advocate for : PP

ASSAM appearing for THE STATE OF ASSAM

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

ORDER

Date : 11.09. 2024

1. Heard Mr. F. Hussain, learned counsel for the petitioners, (1) Raju Ahmed @ Raju Ali, (2) Chaddam Ali @ Saddam Ali, (3) Nasibuddin Ahmed @ Saru Ali, (4) Raifuddin Ahmed @ Chana Ali, (5) Saifuddin Ahmed @ Saifu Ali, (6) Beki Ali @ Saru Ali, (7) Owaj Ali, (8) Jeherul Ali and (9) Saidul Ali @ Saidur Rahman, who have filed this anticipatory bail application under Section 438 of Cr.P.C., 1973, with prayer for granting them pre-arrest bail in connection with Hajo P. S. Case No. 124/2024 under Sections 143/ 147/ 447/ 326/ 325/307/ 354/ 341/ 379/ 427 IPC.

2. Also heard Mr. D. Das , learned Addl. Public Prosecutor for the State respondent.

3. The case diary as called for is received and perused.

4. The allegation against the petitioners is that the petitioners armed with dao, axe, stones and sticks etc. forcefully entered into the premises of the complainant and then damaged the gate, wall etc.

5. When the family members tried to resist, the petitioners assaulted them causing grave injuries.
6. The petitioners have also molested the victims 'X' and 'Y' and ripped of their garments. On the next morning, the petitioners snatched away Rs. 20,000/- from the informant's elder brother Samsul Hoque, who was carrying the money for treatment of his injured brother, Ainul Haque at Barpeta Civil Hospital.
7. Raju Ali also stabbed Ainul Hoque with a sharp weapon.
8. Meanwhile, the police was informed.
9. It is further submitted on behalf of the petitioners that the co-accused have already been enlarged on bail vide order dated 24.05.2024 in connection with Bail Application No. 1462/ 2024 and Bail Application No. 1331/ 2024.
10. It was observed in the aforementioned bail applications that injured persons sustained minor injuries.
11. The petitioners have pledged to co-operate with the investigation and they have prayed for bail.

12. The learned Addl. Public Prosecutor has submitted that indeed there was an assault, but the injury sustained by the victims is simple in nature.

13. I have scrutinized the case diary and it is found that the victims sustained minor injuries. The petitioners are willing to co-operate with the investigation and they will abide by any conditions imposed upon them.

14. The petitioners are local residents and they are not a flight risks.

15. In view of the foregoing discussion, interim order dated 07.06.2024 is hereby made absolute subject to the conditions contained in the interim order.

16. The bail application is disposed of.

17. Send back the case diary.

JUDGE

Comparing Assistant