

GAHC010122992024



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

Case No. : AB/1595/2024

ALI HUSSAIN AND 4 ORS.
S/O LATE ABDUL SATTAR,
VILL.- DEOPUR, P.O.- TILLABAZAR, P.S.- KARIMGANJ, DIST.- KARIMGANJ,
DIST. KARIMGANJ, ASSAM.

2: EKBAL HUSSAIN
S/O ABUL HASAN

VILL.- DEOPUR
P.O.- TILLABAZAR
P.S.- KARIMGANJ
DIST.- KARIMGANJ
DIST. KARIMGANJ
ASSAM.

3: ALI AHMED
S/O LATE ABDUL SATTAR

VILL.- DEOPUR
P.O.- TILLABAZAR
P.S.- KARIMGANJ
DIST.- KARIMGANJ
DIST. KARIMGANJ
ASSAM.

4: FAYJUL HOQUE
S/O LATE ABDUL SATTAR

VILL.- DEOPUR
P.O.- TILLABAZAR
P.S.- KARIMGANJ
DIST.- KARIMGANJ
DIST. KARIMGANJ
ASSAM.

5: SUFIAN AHMED
S/O ABDUL JALIL

VILL.- DEOPUR
P.O.- TILLABAZAR
P.S.- KARIMGANJ
DIST.- KARIMGANJ
DIST. KARIMGANJ
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PUBLIC PROSECUTORS.

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27.06.2024

Heard Mr. M. Ahmed, learned counsel for the petitioners, (i) Ali Hussain (ii) Ekbal Hussain.

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 Karimganj P.S. Case No. 262/2024, under Sections 120(B)/448/323/325/326/341/354/307 IPC.

3. Heard Mr. B. Sarma, learned Additional Public Prosecutor for the State of Assam.

4. The allegation against the petitioners is that on 24.04.2024 at about

12/12.30 p.m., the petitioners armed with deadly weapons attacked Rachu Bibi, Sanu Begum, Marzina Begum and Sufiana Begum. At that time when Abdul Hannan came out and tried to protect, they attacked him with sharp weapons causing grievous injuries on his head. The petitioners have also attacked Saibor Ali and caused grievous injuries on his person.

5. The learned Additional Public Prosecutor has raised serious objection stating that the victim Abdul Hannan is not in a position to speak and as such, his statement has not yet been recorded. He further submitted that there are incriminating materials against the petitioners in the case diary. It is further submitted that it appears from the injury sustained by the victims that the petitioners acted in an attempt to commit murder.

6. I have considered the submissions at the Bar with circumspection. I have also scrutinized the case diary along with the injury report.

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

8. 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.

9. The bail application stands disposed of.

10. Send back the case diary.

JUDGE

Comparing Assistant