

GAHC010128302024



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

Case No. : Bail Appln./1918/2024

FAJARUDDIN SHEIKH AND 4 ORS.
S/O MOGBUL HUSSAIN SHIEKH, R/O VILL- LAMA PARA, P.S.-
FAKIRAGRAM, DIST-KOKRAJHAR, BTR, ASSAM

2: AJAD ALI SHEIKH
S/O MOGBUL HUSSAIN SHIEKH
R/O VILL- LAMA PARA
P.S.-FAKIRAGRAM
DIST-KOKRAJHAR
BTR
ASSAM

3: BARIJ UDDIN SHEIKH
S/O MOGBUL HUSSAIN SHIEKH
R/O VILL- LAMA PARA
P.S.-FAKIRAGRAM
DIST-KOKRAJHAR
BTR
ASSAM

4: MOGBUL HUSSAIN SHEIKH
S/O LATE AKIN SHEIKH
R/O VILL- LAMA PARA
P.S.-FAKIRAGRAM
DIST-KOKRAJHAR
BTR
ASSAM

5: JINNAT ALI
S/O ALA BOSCO
VILL- KACHUKHATA
P.S.-GOSSAIGAON
DIST-KOKRAJHAR
BTR

ASSA

VERSUS

THE STATE OF ASSAM

REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

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

ORDER

Date : 16-07-2024

Heard Mr. F. Haque, learned counsel for the petitioners namely (1) Fajaruiddin Sheikh, (2) Ajad Ali Sheikh, (3) Barij Uddin Sheikh, (4) Mogbul Hussain Sheikh and 5) Jinnat Ali.

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 14.06.2024 in connection with Fakiragram Police Station No. 38/2024 under Sections 143/147/148/294/326/354-B/506 of the Indian Penal Code, 1860.

3. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State.

4. The allegation against the petitioners is that they tried to encroach into the land of the informant, and the petitioners along with 50/60 other miscreants armed with deadly weapons attacked the informant and his family members.

5. It is submitted on behalf of the petitioners that this case is based on a

land dispute. The petitioners have already paid for the land but the informant and his family members are trying to grab the land. It was a group clash and both the parties have sustained injuries and the petitioners' side has also lodged an FIR against the informant and his family members.

6. The learned Additional Public Prosecutor has submitted that there are incriminating materials against the petitioners and several victims have sustained grievous injuries. The petitioners do not deserve bail. Investigation may be adversely affected if the petitioners are admitted to bail.

7. I have considered the submissions at the bar with circumspection.

8. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioners. The victims have sustained grievous injuries caused by blunt weapon. However, investigation has progressed to a considerable extent. It appears that custodial detention may not be required for further progress of the investigation.

9. I have considered the submission that the petitioners are willing to cooperate with the remaining part of the investigation. The petitioners are local residents and they are not flight risks.

10. Considering all aspects and in view of my foregoing discussions, petition is allowed.

11. 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 Additional Chief Judicial Magistrate, Kokrajhar under the conditions that:

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

(ii) The petitioners shall not exercise threats to the witnesses and tamper with the evidence and

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

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

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

14. Send back the Case Diary.

JUDGE

Comparing Assistant