

GAHC010128332024



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

Case No. : AB/1670/2024

AROS UDDIN SHEIKH @ ARIF AND 6 ORS
S/O MOGBUL HUSSAIN SHEIKH, R/O VILL- LAMA PARA, P.S.-
FAKIRAGRAM, DIST- KOKRAJHAR, BTR, ASSAM

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

3: HAFIJUL ALI
S/O SURMAN ALI
R/O VILL- LAMA PARA
P.S.-FAKIRAGRAM
DIST- KOKRAJHAR
BTR
ASSAM

4: JAMAD ALI @ JAMAL ALI
S/O MOGBUL HUSSAIN SHEIKH
R/O VILL- LAMA PARA
P.S.-FAKIRAGRAM
DIST- KOKRAJHAR
BTR
ASSAM

5: JUMAR ALI PARAMANIK @ JUMUR
S/O GAFUR ALI
R/O VILL- LAMA PARA
P.S.-FAKIRAGRAM
DIST- KOKRAJHAR
BTR

ASSAM

6: NASHAD ALI @ NASHAD ALI SHEIKH
S/O MOGBUL HUSSAIN SHEIKH
R/O VILL- LAMA PARA
P.S.-FAKIRAGRAM
DIST- KOKRAJHAR
BTR
ASSAM

7: AYNAL HAQUE
S/O MOGBUL HUSSAIN SHIEKH
R/O VILL- LAMA PARA
P.S.-FAKIRAGRAM
DIST- KOKRAJHAR
BTR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR F HAQUE, MR A ISLAM, MR. S K M ALOMGIR

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

30.07.2024

Heard Mr F Hoque, learned counsel for the petitioners, 1) Aros Uddin Sheikh @ Arif, 2) Surman Ali, 3) Hafijul Ali, 4) Jamad Ali @ Jamal Ali, 5) Jumar Ali Paramanik @ Jumur, 6) Nashad Ali @ Nashad Ali Sheikh and 7) Aynal Haque, who have filed this application under Section 438 of the Code of Criminal Procedure, 1973, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Fakiragram PS Case

No. 38/2024, under Sections 143/147/148/294/326/354-B/506 of the Indian Penal Code, 1860.

2. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.

3. The allegation against the petitioners is that on 07.06.2024, at about 01:00 pm, the petitioners armed with deadly weapons and in a pre-planned manner, with the intent of promoting enmity between different religious groups, trespassed into the informant's land. They verbally abused the informant and his family members and inflicted injuries on the informant and his family members and they outraged the modesty of women. A situation of unrest was created by such activities of the petitioners.

4. It is submitted on behalf of the petitioners that a land dispute is prevalent between both the parties and an FIR was also lodged by the accused No. 4, Jamad Ali @ Jamal Ali, against the informant and his family members with similar allegations.

5. I have considered the submissions at the Bar.

6. It is admitted that a land dispute is prevalent between both the sides. The scuffle and unrest between the parties have been admitted.

7. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioners.

8. The injuries sustained by the victim, as recorded by the MO, is caused by blunt force impact on the hand.

9. I have also scrutinized the Case Diary.
10. I have considered the submission that the petitioners have appeared before the IO and statements have been recorded.
11. The petitioners have not violated any bail conditions.
12. Considering all aspects and in view of my foregoing discussions, interim pre-arrest bail order dated 27.06.2024, is hereby made absolute, under the same terms and conditions.
13. Bail Application stands disposed of.
14. Send back the Case Diary.

JUDGE

Comparing Assistant