

GAHC010130602024



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

Case No. : Bail Appln./1899/2024

GAJI MIYA AND 2 ORS.
S/O LATE TARA MIYA
R/O VILL- RAHAMPUR, P.O. CHAKABUSI, P.S. AND DIST. BARPETA,
ASSAM, PIN-781308

2: AKHTAR HUSSAIN @ AKTAR HUSSAIN
S/O MUSARAF HUSSAIN
R/O VILL- RAHAMPUR
P.O. CHAKABUSI
P.S. AND DIST. BARPETA
ASSAM
PIN-781308

3: NUMAJ ALI @ NOMAJ ALI
S/O LATE ABDUL GAFUR
R/O VILL- MANIKPUR
P.O. MANIKPUR
P.S. AGHBOR
DIST. BARPETA
ASSAM
PIN-781308
ALL ARE PRESENTLY RESIDING AT JALUKBARI NEAR GANGA PETROL
PUMP
GUWAHATI
IN THE DISTRICT OF KAMRUP (M) ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M S ALAM

Advocate for the Respondent : PP, ASSAM

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

ORDER

Date : 28-06-2024

Heard Mr. T.J. Mahanta, learned Senior Counsel for the petitioners 1. Gaji Miya, 2. Akhtar Hussain @ Aktar Hussain and 3. Numaj Ali @ Nomaj 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 07.06.2024 in connection with Jalukbari Police Station Case No. 282/2024 (G.R. No. 3308/2024), under Sections 120(B)/427/294/341/325/326/379/506/34 of the Indian Penal Code, 1860.

3. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

4. The FIR unfolds that Sumit Ali @ Samed Ali used to park his vehicle 'Chota Hathi' in the Tiles Godown located near Ganga Petrol Pump at Jalukbari. On 04.06.2024 at about 2 AM midnight Sumit Ali @ Samed Ali broke into the parking lot and took out is vehicle. The Supervisor of the Godown Irfan Ali reprimanded Samed Ali @ Sumit Ali and asked him to purchase one lock. Then on 06.06.2024, at about 3 PM, Samed Ali @ Sumit Ali called Irfan Ali to his room for a discussion. When Irfan Ali went to Samed Ali @ Sumit Ali's room, he was attacked by Samed Ali @ Sumit Ali as well as the accused named in the FIR who acted in a premeditated manner. The victim Irfan Ali then raised alarm and then his brother Raj Bhujel, staff Raj Senapati and others including Samarjit

Rajbongshi and Rahul Das came to his rescue and they were also assaulted in the process.

5. The learned Additional Public Prosecutor has stated that there are incriminating materials in the Case Diary against the accused No. 1 Sumit Ali @ Samed Ali. Injury sustained by Irfan Ali is simple in nature whereas the injury sustained by Raj Senapati is not simple in nature and caused by a sharp weapon.

6. I have considered the submissions at the bar with circumspection. I have scrutinized the Case Diary. Investigation has progressed to a considerable extent. The petitioners are willing to cooperate with the remaining part of the investigation and to abide by any stringent bail conditions.

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

8. 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, Kamrup (M).

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

10. Send back the Case Diary.

JUDGE

Comparing Assistant