

GAHC010137652024



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

Case No. : AB/1780/2024

NUR IMAN ALI AND 2 ORS.
S/O KICHMAT, R/O VILL- DAMPUR, SANPARA GRANT, NEAR MASJID, P.S.-
HAJO, DIST- KAMRUP, ASSAM

2: NUR AHMED ALI
S/O NUR IMAN ALI
R/O VILL- DAMPUR
SANPARA GRANT
NEAR MASJID
P.S.-HAJO
DIST- KAMRUP
ASSAM

3: KAMAL ALI
S/O AHJED ALI
R/O VILL- UJANKURI
P.S.-HAJO
DIST- KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R SARMA, A H CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA
ORDER**

Date : 10.09.2024

- 1.** Heard Mr. R. Sarma, learned counsel for the petitioners. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor for the State.
- 2.** This is an application under Section 482 of the BNSS, 2023, has been filed by the petitioners, namely, (1) *Nur Iman Ali*, (2) *Nur Ahmed Ali* and (2) *Kamal Ali* apprehending their arrest in connection Hajo P.S. Case No. 222/2024 under Sections 325/307/302/34 of the Indian Penal Code.
- 3.** The gist of accusation is that on 27.06.2024, one Prasanna Bharali had lodged an FIR naming the petitioner Nos. 1 and 2 therein, *inter alia*, stating that on 24.06.2024 at about 8.00 PM when the informant was returning home from Bangshor along with his friend Goutam Deka on a motorcycle at that time, a heavy vehicle came from the other side and hit the beam of its headlight in front of the informant, as a result of which the motorcycle fell down and a person standing nearby got injured. It is also alleged in the FIR that the people gathered there started assaulting the informant and his friend, as a result of which the friend of the informant, namely, Goutam Deka sustained severe injuries and he was referred to Guwahati Medical College and Hospital and on the next date i.e., 26.06.2024, Goutam Deka succumbed to his injuries.
- 4.** The learned counsel for the petitioners has submitted that the petitioners are not involved in the incident of assaulting the informant as well as Goutam Deka. He submits that Nur Iman Ali himself sustained injuries in the motorcycle accident and Nur Ahmed Ali, who is the son of the petitioner No. 1 and Kamal Ali, who is the son-in-law of the petitioner No. 1 were not involved in the assault. He

submits that the petitioner No. 1 has already been granted interim bail by this Court and he has not misuse his liberty on bail and therefore, prays for making the bail absolute and also prays for granting the other two petitioners anticipatory bail.

5. On the other hand, learned Additional Public Prosecutor has produced the case diary of Hajo P.S. Case No. 222/2024 and has submitted that there are sufficient incriminating materials against the petitioner Nos. 2 and 3 of having assaulted the deceased, namely, Goutam Deka and, therefore, he has opposed the grant of anticipatory bail to the said petitioners.

6. I have considered the submissions made by learned counsel for both the sides and have perused the materials on record including the case diary produced by the learned Additional Public Prosecutor.

7. There are sufficient incriminating materials against petitioner Nos. 2 and 3, namely, Nur Ahmed Ali and Kamal Ali in the case diary which does not justify the grant of anticipatory bail to them at this stage. Hence, their prayer for anticipatory bail is hereby rejected.

8. However, the petitioner No. 1, namely, Nur Iman Ali himself got injured in the accident and there is no evidence of he being involved in the assault of the deceased person. Therefore, the interim anticipatory bail granted to the petitioner No. 1, namely, Nur Iman Ali on 29.07.2024 by this Court is hereby made absolute with condition Nos. 2, 3 and 4 attached to the said order remaining intact.

9. This anticipatory bail application is accordingly disposed of.

JUDGE

Comparing Assistant