

GAHC010139072024



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

Case No. : AB/1798/2024

HAMED ALI AND 5 ORS.
S/O LT. TAJER ALI, VILL- HARIPUR PART-I, P.S.-TAMARHAT, DIST- DHUBRI,
ASSAM, PIN-783333

2: EAJAJUL HOQUE
S/O KAJER ALI
VILL- HARIPUR PART-I
P.S.-TAMARHAT
DIST- DHUBRI
ASSAM
PIN-783333

3: ABU BAKKAR @ ABU BAKKAR SK
S/O SAHER ALI SK.
VILL- HARIPUR PART-I
P.S.-TAMARHAT
DIST- DHUBRI
ASSAM
PIN-783333

4: BANIYA SK
S/O SAHERUDDIN SK
VILL-NATABARI
P.S.-TAMARHAT
DIST-DHUBRI
ASSAM
PIN-783333

5: HAKIM ALI SKK. @ HAKIM SK.
S/O BANIYA SK.
VILL-NATABARI
P.S.-TAMARHAT
DIST-DHUBRI
ASSAM

PIN-783333

6: UKIL ALI SK @ UKIL SK
S/O BANIYA SK
VILL-NATABARI
P.S.-TAMARHAT
DIST-DHUBRI
ASSAM
PIN-783333

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25-07-2024

Heard Mr. H.R.A. Choudhury, learned Senior Counsel for the petitioners 1. Hamed Ali, 2. Ejajul Hoque, 3. Abu Bakkar @ Abu Bakkar Sk., 4. Baniya Sk. 5. Hakim Ali Sk. and 6. Ukil Ali Sk. @ Ukil Sk., who have filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as they are apprehending arrest in connection with Tamarhat Police Station Case No. 52/2024, corresponding to GR No. 732/2024 under Sections 147/148/342/326/379 of the Indian Penal Code, 1860.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioners is that on 23.06.2024 at about 8 PM,

there was an altercation between the informant's younger brother Ajibar Ahmed and the accused No. 1 (Ajijul Hoque) named in the FIR. Subsequent to this incident, the accused in the FIR, armed with dangerous weapons attacked Ajibar Ahmed (brother of the informant) and Abdullah Ahmed in the Haripur New Market causing grave injuries on the vital parts of their body. The petitioners have also caused injuries on the informant's father.

4. It is submitted on behalf of the petitioners that it is not possible that all the petitioners have caused injuries, sustained by the injured person. The learned Senior Counsel on behalf of the petitioners has submitted that the petitioners have no role in inflicting injuries as alleged on the injured persons. There is a land dispute prevailing between both the parties and a false case has been slammed against the petitioners to wreak vengeance. It is also submitted on behalf of the petitioners that the dispute was basically between Ajibar Ahmed and Ajijul Hoque relating to a Club.

5. The learned Additional Public Prosecutor has submitted that Ajibar Ahmed has sustained grievous injuries on his head and other parts of his body but ironically, the nature of the injuries was not mentioned by the MO. Abdullah Ahmed has also sustained cut injuries on his head. It is further submitted by the learned Additional Public Prosecutor that there are incriminating materials in the Case Diary against the petitioners.

6. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary. There are indeed incriminating materials in the Case Diary against the petitioners. At this juncture there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioners as this case is still under investigation. The merits of the case are not brought to the fore.

7. Petition stands rejected at this stage.
8. Send back the Case Diary.
9. In terms of the above observations, this Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant