

GAHC010150082024



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

Case No. : AB/1950/2024

NISAN ALI AND 3 ORS
S/O OSMAN ALI
RESIDENT OF VILLAGE KATHALDI PART I, PO AND PS BILASIPARA, DIST
DHUBRI, ASSAM 783348

2: NASIA KHATUN
W/O NISAN ALI
RESIDENT OF VILLAGE KATHALDI PART I
PO AND PS BILASIPARA
DIST DHUBRI
ASSAM 783348

3: PASHAN ALI @ ASHAN ALI
S/O OSMAN ALI
RESIDENT OF VILLAGE KATHALDI PART I
PO AND PS BILASIPARA
DIST DHUBRI
ASSAM 783348

4: AYEB ALI @ AYUB ALI
S/O ASOR UDDIN

RESIDENT OF VILLAGE KATHALDI PART I
PO AND PS BILASIPARA
DIST DHUBRI
ASSAM 78334

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MD H R AHMED, MR J ISLAM,MR J I MONDAL

Advocate for the Respondent : PP, ASSAM,

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

ORDER

02.09.2024

1. Heard learned counsel Mr. J. Islam for the petitioners, namely (i) Nisan Ali, (ii) Nasia Khatun, (iii) Pashan Ali @ Ashan Ali, and (iv) Ayeb Ali @ Ayub Ali.
2. The petitioners have filed this application under Section 482 of the BNSS, 2023 with prayer for pre-arrest bail as they are apprehending arrest in connection with Bilasipara Police Station Case No. 176/2024 under Sections 117(2)/309(4)/132/3(5) of the BNS read with Section 135/136 of the Electricity Act.
3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
4. The FIR unfolds that on 20.07.2024, at about 4 p.m., the Disconnection team were carrying out their respective duties at Kathaldi Part-1 (Golerchar) area, when they observed illegal charging of E-rickshaw by hooking. While the team was trying to garner evidence through video recording relating to the nefarious activities of the miscreants, the miscreants namely Nishan Ali, Nosia

Khatun, Jahangir, Rakibul Islam, Ayub Ali and Ashan Ali assaulted the Disconnection team causing grave injuries on Samad Ali Poddar and Menazul Hoque. Thereafter, a cash of Rs. 52,500/- was also snatched away from Samad Ali Poddar by the miscreants. It is submitted on behalf of the petitioners that the petitioners are innocent. The victims have sustained injuries in the scuffle.

5. It is submitted on behalf of the petitioners that the petitioners are willing to co-operate with the investigation.
6. Learned Additional Public Prosecutor has submitted that that the victims have sustained simple injuries. I have scrutinized the Case Diary and the medico-legal report which reveals that they have sustained simple injuries.
7. Investigation has progressed to a considerable extent. It appears that custodial interrogation may not be required.
8. Considering all aspects, petition is allowed. The petitioners shall be enlarged on bail of Rs.30,000/- (Rupees Thirty Thousand) each with a suitable surety of like amount to the satisfaction of the arresting authority, under the conditions that:

(i) The petitioners shall appear before the Investigating Officer within 1 (One) week and co-operate with the investigation,

(ii) The petitioners shall appear on every fortnight till completion of the investigation,

(iii) The petitioners shall refrain from such activities with which they are alleged, and

(iv) The petitioners shall not leave the jurisdiction of the jurisdictional Court without prior permission.

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

9. Send back the Case Diary.

JUDGE

Comparing Assistant