

GAHC010155222024



2024:GAU-AS:11224

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

Case No. : AB/2025/2024

HATEM ALI AND SEVEN 7 ORS
S/O- KUBED ALI, R/O- VILL.- AKABASTI BANGALI, P.O. BALIPARA, P.S.
CHARIDUAR, DIST. SONITPUR, ASSAM

2: GAHUR ALI
S/O- MOHAMMAD ALI
R/O- VILL.- AKABASTI BANGALI
P.O. BALIPARA
P.S. CHARIDUAR
DIST. SONITPUR
ASSAM

3: ACHED ALI
S/O- JAHUR UDDIN
R/O- VILL.- AKABASTI BANGALI
P.O. BALIPARA
P.S. CHARIDUAR
DIST. SONITPUR
ASSAM

4: JOSNARA BEGUM
W/O- NEKBAR ALI
R/O- VILL.- AKABASTI BANGALI
P.O. BALIPARA
P.S. CHARIDUAR
DIST. SONITPUR
ASSAM

5: AMBIYA KHATUN
W/O- HATEM ALI
R/O- VILL.- AKABASTI BANGALI
P.O. BALIPARA
P.S. CHARIDUAR
DIST. SONITPUR

ASSAM

6: ABDUL KALAM @ ABU KALAM
S/O- INTAZ ALI
R/O- VILL.- AKABASTI BANGALI
P.O. BALIPARA
P.S. CHARIDUAR
DIST. SONITPUR
ASSAM

7: MEHATAB ALI
S/O- KUBED ALI
R/O- VILL.- AKABASTI BANGALI
P.O. BALIPARA
P.S. CHARIDUAR
DIST. SONITPUR
ASSAM

8: AKBAR ALI
S/O- KUBED ALI
R/O- VILL.- AKABASTI BANGALI
P.O. BALIPARA
P.S. CHARIDUAR
DIST. SONITPUR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M ALI, MR J. E. SARKAR, MD. ANARUL ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

18-11-2024

Heard Mr. M Ali, learned counsel for the petitioners and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. By this application under Section 482 of the BNSS, 2023, apprehending their arrest, petitioners, namely, (i) **Hatem Ali**, son of Kubed Ali; (ii) **Gahur Ali**, son of Mohammad Ali; (iii) **Ached Ali**, son of Jahur Uddin; (iv) **Josnara Begum**, wife of Nekbar Ali; (v) **Ambiya Khatun**, wife of Hatem Ali; (vi) **Abdul Kalam @ Abu Kalam**, son of Intaz Ali; (vii) **Mehatab Ali**, son of Kubed Ali and (viii) **Akbar Ali**, son of Kubed Ali, all resident of village-Akabasti Bangali, P.S.-Chariduar, District-Sonitpur, are seeking pre-arrest bail in Chariduar Police Station Case No. 122/2024 registered under Sections 189(2)/329(3)/96/74/324(4)/303(2)/351(2) of the BNS, 2023 corresponding to G.R. No. 1002/2024.

3. As per the FIR dated 27.07.2024 lodged by the informant before the Officer-in-Charge of Chariduar Police Station, the case is that the petitioner No. 1 on 25.07.2024 at about 10 PM entered into the courtyard of the informant, abused her with slang language and thereafter left the place threatening her. On 26.07.2024 at about 7:30/8:00 AM, the present petitioners along with one Nekbar Ali again entered into the courtyard of the informant and assaulted her father. When the informant and her mother came to his rescue, the petitioners abused them with slang language, assaulted them, snatched the mobile phone of the informant and destroyed it. During the assault, the informant lost her gold chain that she was wearing on her neck.

4. Accordingly, Chariduar Police Station Case No. 122/2024 corresponding to G.R. No. 1002/2024 under Sections 189(2)/329(3)/96/74/324(4)/303(2)/ 351(2) of the BNS, 2023 was registered against the petitioners.

5. The Court by order dated 05.08.2024 while granting interim pre-arrest bail to the petitioners, named above, in said Chariduar Police Station Case No. 122/2024 also called for the said case diary. Pursuant to which the petitioners appeared before the concerned Investigating Officer of the case on 21.08.2024 and their statements have been recorded by the concerned I.O. of the case.

6. Perused the case diary placed before the Court today by Mr. K K Parashar, learned APP, Assam.

7. Considering the materials in the case diary, the Court is of the view that custodial detention of the petitioners is not warranted for further investigation of said Chariduar Police Station Case No. 122/2024. Accordingly, this pre-arrest bail application of the petitioners is accepted.

8. Accordingly, the interim pre-arrest bail granted to the petitioners on 05.08.2024 in said Chariduar Police Station Case No. 122/2024 corresponding to G.R. No. 1002/2024 is hereby made absolute, subject to the compliance of the terms and conditions as specified in the said order dated 05.08.2024 and on compliance of the conditions that the petitioners – (i) shall appear before the concerned Investigating Officer of said Chariduar P.S. Case No. 122/2024, as and when they are required for necessary investigation of the case and (ii) shall not indulge themselves in any criminal activities.

9. Any violation of the aforesaid terms and conditions as well as the terms and conditions as specified in the order dated 05.08.2024, noted above, by the petitioners, the pre-arrest bail granted to them in said Chariduar P.S. Case No. 122/2024 shall stand automatically vacated.

10. This pre-arrest bail application accordingly stands disposed of.

11. Return the case diary.

JUDGE

Comparing Assistant