

GAHC010155422023



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

Case No. : AB/2513/2023

MUNGLA MIA AND 3 ORS
S/O BOCHIR UDDIN
VILL- CHOUDHURY PAM
P.S. CHHAYGAON
DIST. KAMRUP, ASSAM

2: ABU BAKKAR SIDDIK
S/O MUNGLA IA
VILL- CHOUDHURY PAM
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

3: KULSUMA AKTAR
W/O ABU BAKKAR SIDDIK
VILL- CHOUDHURY PAM
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

4: MISS. AKLIMA AKTAR
W/O ABU BAKKAR SIDDIK
VILL- CHOUDHURY PAM
P.S. CHHAYGAON
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

04.01.2024

Heard Mr. S. Munir, learned counsel for the applicants and Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Chhaygaon PS Case No. 304/2023**, under Sections 341/326/325/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants namely, **Mungla Mia; Abu Bakkar Siddik; Kulsuma Aktar; and Miss. Aklima Aktar** for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by one Sahitun Ahmed, on 04.07.2023. The essence of allegations made in the FIR is that on 30.06.2023, at about 10 am, while she and her husband was working in front of their house, two wives of Abu Bakkar Siddik came to their house and started quarreling with them. Thereafter, Mungla Mia along with Abu Bakkar Siddik also came to their house and stabbed on her husband's hand with sharp weapon and both the wives of Abu Bakkar Siddik pulled her hair and when her brother-in-law came to save her, then Abu Bakkar Siddik rushed to cut him.

4. Mr. Munir, learned counsel for the applicants submits that this Court was pleased to grant interim protection to the applicant, vide order dated 24.07.2023, and pursuant to the said order, the applicants have appeared before the IO and cooperating with the investigating agency. Mr. Munir further submits

that a cross case, being Chhaygaon PS Case No. 301/2023, under Sections 143/341/447/354/326/34 of the IPC, has also been registered against the informant and her husband, in connection with the same incident. Mr. Munir also submits that the custodial interrogation of the applicants may not be required in the interest of investigation and therefore, it is contended to make the interim order dated 24.07.2023, absolute in the same terms and conditions.

5. On the other Mr. Sarma, learned Additional Public Prosecutor by producing the case diary before this court, submits that though the injury report of the victim was called for on many occasions, yet, the same has not been made available in the case diary. Mr. Sarma further submits that the applicants had appeared before the IO and their statements are recorded and that material part of investigation is almost over.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. In view of the submissions of learned counsel for both the parties and also considering the fact that the applicants have been cooperating with the investigating agency and that of the progress of investigation, this Court is of the view that their custodial interrogation seems to be unwarranted here in this case. And therefore, this Court is inclined to make the interim order dated **24.07.2023, absolute** in the same terms and condition.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

JUDGE

Comparing Assistant