

GAHC010188142023



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

Case No. : AB/2967/2023

GULZAR HUSSAIN AND 3 ORS.
S/O DULAL UDDIN,
VILL.- SHILLONGNOI, P.S.- NAGAON SADAR, DIST.- NAGAON, ASSAM.

2: CHAFIKUL ISLAM
S/O SBABAJE ALI

VILL.- NARAMARI
P.S.- NAGAON SADAR
DIST.- NAGAON
ASSAM.

3: MOFIDUL ISLAM
S/O SBABAJE ALI

VILL.- SHILLONGNOI
P.S.- NAGAON SADAR
DIST.- NAGAON
ASSAM.

4: RAFIKUL ISLAM
S/O SBABAJE ALI

VILL.- SHILLONGNOI
P.S.- NAGAON SADAR
DIST.- NAGAON
ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR I A HAZARIKA

Advocate for the Respondent : PP, ASSAM

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

ORDER

Date : 15-03-2024

- 1.** Heard Mr. H. Ali, learned counsel for the petitioner.
- 2.** The petitioners, namely, [1] Gulzar Hussain [2] Chafikul Islam [3] Mofidul Islam and [4] Rafikul Islam have filed this application u/s 438 Cr.PC with prayer of pre-arrest bail as they are apprehending arrest in connection with Nagaon P.S. Case No. 69/2023 registered u/s 147/148/149/325/326/307 of IPC.
- 3.** Heard Mr. K. Baishya, learned Addl. PP, Assam.
- 4.** The allegation against the petitioners is that on 26.01.2023 at about 12 PM a meeting was held in the residence of the informant to discuss about public road. After the meeting was over the petitioners armed with sharp weapons and other weapons assaulted the aggrieved and the injured persons who were also present in the meeting causing grievous injuries especially, causing grievous injuries on Jiwaur Rahman.
- 5.** Seen the Medico Legal Report which reflects that the injured person sustained grievous injuries caused by sharp weapon.
- 5.** I have considered the submissions at the Bar. It is submitted at the Bar that there was an altercation between both the sides. Another case being Nagaon P.S. Case No. 70/2023 was registered against the aggrieved as well as

the informant and charge-sheet has already been laid against them. It is also submitted at the Bar that there was a group clash between both the parties. I have considered the submissions that the petitioners who were on interim bail have appeared before the IO and they have co-operated with the investigation. The petitioners have also pledged to co-operate with the remaining part of the investigation. They are local residents. I have considered the submission that custodial interrogation may not be required for further investigation. Investigation has also progressed to a considerable extent.

6. Considering all aspects and in view of my foregoing discussions, the interim order dated 29.08.2023 is hereby made absolute under the conditions that:-

- i. The petitioners shall refrain from such activities with which they are alleged; and
- ii. the petitioners shall appear before the I.O. after every 15 days till completion of investigation.

Send back the Case Diary.

JUDGE

Comparing Assistant