

GAHC010197432024



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

Case No. : AB/2584/2024

IRFANUL HAQUE AND 4 ORS
S/O ABDUL MATLEB
R/O LOCHONABARI, WARDNO. 03, P.S. MOIRABARI, DIST. MORIGAON,
ASSAM

2: ABDUL MATLEB
S/O LT. ABDUL GAFUR
R/O LOCHONABARI
WARDNO. 03
P.S. MOIRABARI
DIST. MORIGAON
ASSAM

3: MRS. AAHER BANU
W/O ABDUL MATLEB
R/O LOCHONABARI
WARDNO. 03
P.S. MOIRABARI
DIST. MORIGAON
ASSAM

4: AINUL HAQUE
S/O ABDUL MATLEB
R/O LOCHONABARI
WARDNO. 03
P.S. MOIRABARI
DIST. MORIGAON
ASSAM

5: MRS. MONOWARA BEGUM
W/O INAMUL HAQUE
R/O LOCHONABARI
WARDNO. 03
P.S. MOIRABARI

DIST. MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A U CHOUDHURY, MR S ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

11.12.2024

Heard Mr. A.U. Choudhury, learned counsel appearing for the petitioners. Also heard Mr. R.R. Kaushik, learned Addl. Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for pre-arrest bail with respect of Moirabari P.S. Case No. 119/2024.

3. It is alleged in the FIR that on the day of occurrence, 40 years old Abdul Sahid was attacked by the petitioners and some other persons. All of them assaulted him with sticks and other dangerous weapons.

4. Mr. Kaushik, the learned Addl. PP submits that the victim Abdul Sahid sustained grievous injuries. Mr. Kaushik, the learned Addl. PP further submits that there are witnesses who supported the allegation against the present petitioners.

5. I have considered the submissions made by the learned counsel of both the

sides.

6. Pursuant to the interim order granted by this Court, the Petitioner Nos.2 & 3 Abdul Matleb and Aaher Banu have appeared before the Investigating Officer and they have co-operated with the police investigation.

7. Although incriminating materials are there in the Case Diary against them also, this Court is of the opinion that Abdul Matleb and Aaher Banu deserve to be given the privilege of anticipatory bail because of their age.

8. This Court is also of the opinion that petitioner, Monowara Begum too is a woman and therefore, she also deserves to be given the privilege of anticipatory bail.

9. Considering the aforesaid facts, the interim bail granted earlier to Abdul Matleb and Aaher Banu is made absolute.

10. It is further directed that in the event of arrest in connection with Moirabari P.S. Case No. 119/2024, the petitioner, Monowara Begum shall be released on bail of ₹20,000/- with a surety of like amount to the satisfaction of the arresting authority. She is directed to appear before the Investigation Officer within next 10 (ten) days from today.

11. The bail application of the petitioner Irfanul Haque and Ainul Haque is rejected.

Accordingly, the entire bail application is disposed of.

Case Diary shall be returned.

JUDGE

Comparing Assistant