

GAHC010213112023



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

Case No. : AB/3259/2023

ABDUL BAREK @ BAREK ALI
S/O LATE HAJI MAMUD ALI
VILL- SHIMLABARI PART-II
P.S. MERERCHAR
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 03.01.2024

Heard Mr. M. Alamgeer, learned counsel for the applicant. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondents.

2. Apprehending arrest in connection with Mererchar P.S. Case No. 35/2023 under Sections 143/341/326/307 of the IPC, this application under Section 438

Cr.P.C. has been preferred by the applicant, namely, Abdul Barek @ Barek Ali for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Nurul Hussain on 30.05.2023. The essence of allegation made in the FIR dated 30.05.2023 is that on 27.05.2023 at about 9:30 p.m., accused Barek Ali, Abdul Jalil, Abdul Baten, Abdul Hoque and Sobahan Ali wrongfully restrained his maternal uncle, namely, Asuruddin while he was proceeding along with his family members to the house of one Salam Ali, being armed with sharp objects, and then assaulted him seriously.

4. Mr. Gogoi, learned Addl. Public Prosecutor submits that he has not received the case diary though the same was called for vide orders dated 17.10.2023, and 22.09.2023. But, as per his instruction, the I.O. has already completed investigation and submitted charge-sheet before the learned Court below.

5. In view of the above, it is provided that the applicant shall approach the learned Court below by filing an application for granting regular bail within 24.01.2024. It is further provided that in the event of filing such an application, the learned Court below shall consider the same in accordance with law.

6. In terms of the above, this application stands disposed of.

JUDGE

Comparing Assistant