

GAHC010221542024



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

Case No. : AB/2821/2024

PURNIMA BEGUM @ PURNIMA KHATUN AND ANR
W/O JELENUR MANDAL
VILL- CHIKIBIKI
P.S. BONGAIGAON,
DIST. BONGAIGAON, ASSAM

2: CHANOWAR HUSSAIN MANDAL @ SANOWAR MANDAL @ SANOWAR
S/O ABDUL MANNAF MANDAL
VILL- CHIKIBIKI
P.S. BONGAIGAON

DIST. BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. N UDDIN, MS. A AKHTAR, MR S K CHHETRY, MR. M ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

20.11.2024

Heard learned counsel, Mr N Uddin for the petitioners, 1) Purnima Begum @ Purnima Khatun and 2) Chanowar Hussain Mandal @ Sanowar Mandal @ Sanowar,

who have filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Bongaigaon PS Case No. 115/2024, under Sections 447/302/34 of the IPC.

2. Heard Ms N Das, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioners is that they along with the co-accused named in the FIR, armed with heavy bamboo and iron rods attacked Amzad Ali Sheikh. When the father of Amzad Ali Sheikh and his other relatives tried to stop the attack, they were also attacked in the process. The victim Amzad Ali Sheikh was taken to the Bongaigaon Civil Hospital, but he was declared dead.

4. Learned counsel for the petitioners has submitted that FIR has been lodged against them as there is a land dispute prevailing between both the parties. The prime accused who were involved in causing death of the deceased Amzad Ali Sheikh have already been arrested in connection with this case.

5. I have considered the submissions at the Bar with circumspection.

6. I have also scrutinized the Case Diary.

7. The merits of this case are not brought to the fore as this case is still under investigation. However, it appears that pre-arrest bail may be granted to the petitioners. Investigation has progressed substantially and the petitioners have pledged to abide by any stringent conditions, if imposed upon them.

8. The petitioners being local residents are not flight risks.

9. Considering all aspects, petition is allowed. In the event of their arrest, the petitioners shall be enlarged on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand Only) each, with a suitable surety of like amount to the satisfaction of the arresting authority, under the conditions that:

- i) the petitioners shall appear before the IO within one week and cooperate with the investigation,
- ii) the petitioners shall refrain from such activities with which they are alleged,
- iii) the petitioners shall not leave the jurisdiction of the Court, without prior permission.

9.1. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

10. Anticipatory Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant