

GAHC010227652023



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

Case No. : AB/3463/2023

SAHADAT ALI AND 3 ORS
S/O LATE SAJULUDDIN
R/O VILL- NO. 2 JARAGURI, P.S.MANIKPUR
DIST. BONGAIGAON, ASSAM

2: ABDULLA
S/O SAHAT ALI
R/O VILL- NO. 2 JARAGURI
P.S.MANIKPUR
DIST. BONGAIGAON
ASSAM

3: JAHAR ALI
S/O AJIJUL HOQUE
R/O VILL- NO. 2 JARAGURI
P.S.MANIKPUR
DIST. BONGAIGAON
ASSAM

4: ASLAP HUSSAIN @ ASLAP ALI
S/O LATE DILDAR ALI
R/O VILL- NO. 2 JARAGURI
P.S.MANIKPUR
DIST. BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

30.01.2024

Heard Mr. M. Khan, learned counsel for the petitioners. Also heard Ms. A. Begum, learned Addl. Public Prosecutor, appearing for the State of Assam.

This is an application under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in respect of the accused / petitioners, namely, (i) Sahadat Ali (ii) Abdulla, (iii) Jahar Ali and (iv) Aslap Hussain @ Aslap Ali who are apprehending arrest in connection with Manikpur P.S. Case No. 175/2023 registered under Sections 326/342/34 of the IPC.

The Case Diary as called for is placed before this Court.

It may be mentioned that vide order dated 08.11.2023, this Court granted the privilege of interim pre-arrest bail to the petitioners subject to conditions.

Ms. A. Begum, learned Addl. Public Prosecutor, Assam submits that the Case Diary shows that the petitioners appeared before the Investigating Officer and got their statements recorded under Sections 161 of the Cr.P.C. as per the interim pre-arrest bail granted earlier. She further submits on the basis of the enquiry report that the injuries sustained are of simple in nature.

This Court finds that custodial interrogation of the petitioners may not be required in the interest of the ongoing investigation into the case and accordingly the interim pre-arrest bail granted to the order dated 08.11.2023 is hereby made absolute subject to the following conditions.

(i) That the petitioners shall cooperate with the investigation as and when required.

(ii) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to the any Police Officer;

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant