

GAHC010241642023



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

**Case No. : AB/3671/2023**

WAJIB ALI @ WAZED LI  
S/O FAJAL HOQUE  
R/O VILL-NO. 3  
CHIKANMATI  
P.O. AND P.S. DALGAON  
DIST. DARRANG, ASSAM

2: FULESA KHATUN @ FULESA BEGUM  
W/O WAJIB ALI @ WAZED ALI  
R/O VILL-NO. 3  
CHIKANMATI  
P.O. AND P.S. DALGAON  
DIST. DARRANG  
ASSAM

3: HABEJ ALI  
S/O INTAJ ALI  
R/O VILL-NO. 3  
CHIKANMATI  
P.O. AND P.S. DALGAON  
DIST. DARRANG  
ASSA

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR A ALI**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE ROBIN PHUKAN  
ORDER**

**03.01.2024**

Heard Mr. T.K. Bhuyan, learned counsel for the applicants and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

**2.** This application, under Section 438 of the Code of Criminal Procedure, is preferred by applicants namely, **Wajib Ali @ Wazed Ali; Fulesa Khatun @ Fulesa Begum; and Habej Ali**, who have been apprehending arrest in connection with **Dolgaon P.S. Case No. 350/2023**, under Sections 143/147/326/325/307 of the IPC, for grant of pre-arrest bail.

**3.** The said case was registered on the basis of an FIR lodged by one Khadiza Begum, on 08.10.2023. The essence of allegations made in the FIR is that on 08.10.2023, at about 1:30 am, one Hussain Ali; Saibali; Hasmat Ali; Wazed Ali; Saibuddin; Kharej Ali; Hamed Ali; Asmat Ali; Fulesa Begum; and Sirajul Hoque, tried to construct a road on her land and while she along with her family members raised objection, then the accused persons assaulted her father-in-law, Alfaz Ali; her husband; Bahar Ali, her sister-in-law, Hafiza Begum and Howa Begum; and her daughter, Amina Khaton and injured them seriously.

**4.** Mr. Bhuayn, learned counsel for the applicants submits that this Court was pleased to grant interim protection to the applicants vide order dated 08.11.2023, and pursuant to the said order, the applicants have been appeared before the IO and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 08.11.2023, absolute in the same terms and conditions.

**5.** Whereas, Mr. Barua, learned Additional Public Prosecutor submits that

he has not received the case diary, but he has the instruction to that effect that the I.O. has already completed investigation and laid Charge-Sheet against the applicants, under Sections 143/147/326/307 of the IPC, vide Charge-Sheet No. 352/2023, dated 06.11.2023.

**6.** In view of above, this anticipatory application stands disposed of by directing the applicants to appear before the learned court below **on or before 24.01.2024**, and to apply for regular bail and in event of filing such an application, the learned Court below shall consider the same in accordance with law.

**7.** Till 24.01.2024, the interim order passed earlier shall continue.

**Comparing Assistant**

**JUDGE**