

GAHC010267732023



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

Case No. : AB/4017/2023

MORTUJ ALI AND 2 ORS.
S/O LT. KUMED ALI
R/O VILL- SARAL PARA,
P.S. SUALKUCHI RIVER,
DIST. KAMRUP, PIN-781103

2: NURJAMAL HAQUE
S/OLT. MATLEB ALI
VILL- BATAHIDIA
P.S. SUALKUCHI RIVER

DIST. KAMRUP
PIN-781103

3: KABELUDDIN
S/O AINAL HAQUE
VILL- KALARTOP

P.S. SUALKUCHI RIVER

DIST. KAMRUP
PIN-78110

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 06-02-2024

Heard Mr. A. K. Das, learned counsel for the applicant and Mr. R. J. Barua, learned Additional Public Prosecutor for the State respondent.

Apprehending arrest in connection with Goroimari P.S. Case No. 116/2023, under Sections 420/387/448/379/506/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by three applicants, namely, 1. Mortuj Ali, 2. Nurjamal Haque and 3. Kabeluddin for grant of pre-arrest bail.

It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Meher Ali on 25.10.2023.

The essence of allegation made in the FIR dated 25.10.2023 is that one Mortuj Ali, accused No. 1, Nurjamal Haque, accused No.2 and Kabeluddin, accused No.3 obtained a sum of Rs. 1,00,000/- from him for settling his old case pending in the Sualkuchi Police Station and thereafter, accused Mortuj Ali has been demanding a sum of Rs.40,000/- for settling the new case registered against him and on 21.10.2023, at about 10 AM in the morning all the three accused came to his house and picked up quarrel for money and started beating him with the weapons carried by them and thereafter, the local people assembled there and the accused persons fled away by taking a sum of Rs.2,000/- from him.

Mr. Das, learned counsel for the applicants submits that this Court was pleased

to grant interim protection to the applicants, vide order dated 30.11.2023 and pursuant to the said order, the applicant had appeared before the I.O. and therefore, it is contended to make the interim order dated 30.11.2023 absolute in the same terms and conditions.

On the other hand, Mr. Barua, learned Addl. P.P. submits that though the case diary was called for, he has not received the same and as per his instruction, the I.O. has completed investigation and submitted charge sheet being charge sheet No. 71 of 2023 dated 5.12.2023 u/s 420/387/448/379/506/34 of the IPC against the three applicants.

In view of the submission of learned Advocates of both sides, this Court is inclined to dispose of this petition by directing the applicants to appear before the learned Court below on 22.2.2024 and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law.

Interim order dated 30.11.2023 shall continue till the next date i.e. 22.2.2024.

JUDGE

Comparing Assistant