

GAHC010270092023



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

**AB/4074/2023**

MOHAMMAD ALI AND 5 ORS  
S/O- LATE KUDRAT ALI  
R/O- VILL- KHOLABANDHA  
P.S. KACHUMARA  
DIST.- BARPETA  
ASSAM

2: TAHER ALI @ ABU TAHER  
S/O- LATE HAZARAT ALI  
R/O- VILL- KHOLABANDHA  
P.S. KACHUMARA  
DIST.- BARPETA  
ASSAM

3: RABIUL UDDIN @ RABIUL HUSSAIN  
S/O- LATE KUDRAT ALI  
R/O- VILL- KHOLABANDHA  
P.S. KACHUMARA  
DIST.- BARPETA  
ASSAM

4: SONA ULLAH  
S/O- SOLEMAN ALI  
R/O- VILL- KHOLABANDHA  
P.S. KACHUMARA  
DIST.- BARPETA  
ASSAM

5: SHAH ALI  
S/O- SOLEMAN ALI  
R/O- VILL- KHOLABANDHA  
P.S. KACHUMARA  
DIST.- BARPETA  
ASSAM

6: SHARUFA KHATUN  
W/O- ABDUL  
R/O- VILL- KHOLABANDHA  
P.S. KACHUMARA  
DIST.- BARPETA  
ASSAM  
VERSUS

THE STATE OF ASSAM  
REPRESENTED BY P.P.  
ASSAM

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Advocate for : MR. B CHOWDHURY  
Advocate for : PP  
ASSAM appearing for THE STATE OF ASSAM

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**05.01.2024**

Heard Mr. B Chowdhury, learned counsel for the petitioners. Also heard Mr. RR Kaushik, learned Additional Public Prosecutor, Assam for the State respondents.

This is an application under Section 438 Cr.P.C. for granting the privilege of pre-arrest bail to the petitioners, namely, 1. Mohammad Ali, 2. Taher Ali @ Abu Taher, 3. Rabiul Uddin @ Rabiul Hussain, 4. Sona Ullah, 5. Shah Ali and 6. Sharufa Khatun in connection with Kachumara P.S. Case No. 47/2023 (corresponding to GR Case No.1611/2023) under Sections 302/34 IPC.

Case diary is received.

It is submitted by the learned counsel for the petitioners that the petitioners are the neighbours of the accused No.1 Ashadul Hoque, who is the husband of the

deceased and the petitioners are no way connected with the alleged offence. The prime accused i.e. Ashadul Hoque, who is the husband of the deceased has already been arrested and the names of the present petitioners have been falsely implicated in the FIR suspecting their involvement in the offence alleged, therefore, the petitioners may be granted the privilege of pre-arrest bail.

The learned Additional Public Prosecutor has submitted that there is no specific allegation against the present petitioners.

I have perused the case diary and also considered the submissions of the learned counsel for the parties.

In view of the above, this Court is inclined to grant the privilege of pre-arrest bail to the petitioners.

The petitioners shall appear before the Investigating Police Officer within a period of 10 (ten) days from today, and, in the event of arrest of the petitioners above-named, in connection with the case aforementioned, they shall be released on bail on furnishing a bail bond of Rs.10,000/- (Rupees ten thousand) each with a suitable surety of the like amount to the satisfaction of arresting authority, subject to the following conditions:

1. The petitioners shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,
2. The petitioners shall not hamper with the investigation, or tamper with the evidence of the case, and
3. The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to

any police officer.

This application, accordingly, stands disposed of.

Return back the case diary.

**JUDGE**

**Comparing Assistant**