GAHC010085122020

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

Case No. : AB 1483/2020

1:RUHUL AMIN AND 3 ORS.
S/O- SIDDIQUE ALI, R/O- VILL AND P.O. KALAPANI, P.S. MANKACHAR,
DIST.- SOUTH SALMARA MANKACHAR, ASSAM

2: ABDUL KHALEQUE
S/O- LT. HASHEM ALI
R/O- VILL AND P.O. KALAPANI
P.S. MANKACHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM

3: SIDDIQUE ALI
S/O- LT. HABEJ UDDIN
R/O- VILL AND P.O. KALAPANI
P.S. MANKACHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM

4: ASIA KHATUN
W/O- SURAT ZAMAL
R/O- VILL AND P.O. KALAPANI
P.S. MANKACHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSA

VERSUS

1:THE STATE OF ASSAM
TO BE REP. BY THE LD. P.P., ASSAM

Advocate for the Petitioner : MR. M A I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 30-09-2020

Heard Mr. Azad Ahmed, learned counsel for the petitioner and Mr. H. Sarma, learned Addl. P.P. for the State of Assam.

The petitioners, namely, 1. Ruhul Amin, 2. Abdul Khaleque, 3. Siddique Ali and 4. Asia Khatun have filed this application under Section 438 of the Cr.PC. seeking pre-arrest bail apprehending arrest in connection with Mankachar PS Case No. 331/2020 under Section 120(B)/143/447/448/294/326/354(B)/380 IPC.

On the day of occurrence, Kader Ali, Jelekha Khatun, Sirajul Islam and Ayesha Khatun had attacked Kadom Ali while he was doing work in his paddy field. It is alleged in the FIR that those persons were armed with sharp weapons and they cause serious injuries to Kadom Ali. The informant is the wife of Kadom Ali. She has alleged that she tried to interfere into the matter, but she was also beaten up. The informant has further alleged that those persons had snatched away cash amount of Rs. 30,000/-, gold and silver ornaments.

In the FIR, it has been alleged that those four persons had done the offence after being advised by the present petitioners.

The case diary reveals that these four petitioners had instigated the other four persons, who actually committed the offence. The case diary also reveals that the petitioners were present at the place of occurrence at the relevant time.

On perusal of the case diary, it is found that Kadom Ali and Kedar Ali are brothers. The learned counsel for the petitioners has submitted that Kedar Ali was arrested by police and he also released on bail.

I have considered the matter in its entirety. It is a dispute between two brothers. Therefore, I am of the considered opinion that the prayer of the petitioners

deserves to be considered leniently. Moreover, the petitioner Siddique Ali is 65 years old.

On 29.05.2020, this court allowed interim pre-arrest bail to Siddique Ali and Asia Khatun. Today I have decided to allow the pre-arrest bail prayer of the petitioners. Accordingly, the interim order dated 29.07.2020 is hereby made absolute.

So far as the prayer for pre-arrest bail of the petitioners namely, Ruhul Amin and Abdul Khaleque, there are no sufficient material against them in the case diary. Therefore, their prayer for pre-arrest bail is allowed. Accordingly, it is hereby directed that in event of arrest, the petitioners namely, Ruhul Amin and Abdul Khaleque, shall be released on furnishing a bail bond of Rs. 10,000/- each with one suitable surety each of the like amount to the satisfaction of the arresting authority.

The bail application is disposed of.

Return the case diary.

JUDGE

Comparing Assistant