GAHC010114382020

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

Case No. : AB 2146/2020

1:LALCHAND ALI AND ANR.
S/O. ABDUL KUDDUCH ALI, R/O. VILL. KOWARPUR, P.S. HAJO, DIST. KAMRUP (R).

2: ATAUR RAHMAN
S/O. ABDUL KUDDUCH ALI
R/O. VILL. KOWARPUR
P.S. HAJO
DIST. KAMRUP (R)

VERSUS

1:THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13-10-2020

Heard Mr. H.R.A. Choudhury, learned senior counsel appearing for the petitioners. Also heard Mr. H. Sharma, learned Addl. Public Prosecutor for the State of Assam.

The petitioners Lalchand Ali and Ataur Rahman have prayed for pre-arrest bail under Section 438 of the Cr.P.C. in the matter of Hazo P.S. Case No. 705/2020 registered under Sections 143/365/302 of the IPC.

It is alleged that the petitioner Lalchand Ali along with 14 other persons formed a mob and forcibly took Niku Ali to South Singara, where he was murdered.

The petitioners have submitted that there is ongoing dispute between two factions of persons, namely between Bengali speaking Muslims and Assamese speaking Muslims. The petitioners have stated that they were no way connected with the murder of Niku Ali but the name of Lalchand Ali is mention in the FIR.

So far as Lalchand Ali is concerned, I find that there are sufficient incriminating materials against this petitioner. Therefore, the pre-arrest bail prayer of the Lalchand Ali is rejected.

However, there are no sufficient materials against the petitioner namely, Ataur Rahman. Therefore, I am of the considered opinion that this petitioner does not deserved to be detained in custody. The pre-arrest bail prayer of Ataur Rahman is allowed accordingly.

It is hereby directed that in the event of arrest the petitioner, Ataur Rahman shall be released on bail of Rs. 25,000/- with a surety of like amount, to the satisfaction of arresting authority in connection with Hazo P.S. Case No. 705/2020, registered under Sections 143/365/302 of the IPC with a condition that the petitioner shall appear before the Investigating Officer as when called for.

The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant