GAHC010156192020

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

Case No. : AB/3127/2020

RAIZ UDDIN AND 7 ORS
S/O FATIK ALI, R/O VILL-BALIJURI, P.S.-KALGACHIA, DIST-BARPETA (ASSAM).

2: KHABIR UDDIN
S/O RAIZUDDIN, R/O VILL-BALIJURI, P.S.-KALGACHIA, DIST-BARPETA (ASSAM).

3: ASRAF ALI
S/O RAIZUDDIN, R/O VILL-BALIJURI, P.S.-KALGACHIA, DIST-BARPETA (ASSAM).

4: SAMSUL HOQUE
S/O AYNE UDDIN, R/O VILL-BALIJURI, P.S.-KALGACHIA, DIST-BARPETA (ASSAM).

5: JAMAL UDDIN
S/O FATIK ALI, R/O VILL-BALIJURI, P.S.-KALGACHIA, DIST-BARPETA (ASSAM).

6: ROBIAL ISLAM
S/O JAMAL UDDIN, R/O VILL-BALIJURI, P.S.-KALGACHIA, DIST-BARPETA (ASSAM).

7: SHAHANUR ISLAM @ SHAHANUR
S/O AYNE UDDIN, R/O VILL-BALIJURI, P.S.-KALGACHIA, DIST-BARPETA (ASSAM).

8: ABDUS SALA
S/O MOINUDDIN, R/O VILL-BALIJURI, P.S.-KALGACHIA, DIST-BARPETA (ASSAM).

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

04-12-2020

This is an application, filed **under Section 438 Cr.P.C.**, praying for pre-arrest bail of the petitioners, namely, **1. Raiz Uddin, 2. Khabir Uddin, 3. Asraf Ali, 4. Samsul Hoque, 5. Jamal Uddin, 6. Robial Islam, 7. Shahanur Islam @ Shahanur** and **8. Abdus Salam** apprehending arrest in connection with **Kalgachia Police Station Case No. 456/2020**, registered **under Sections 147/148/149/325/326 of the IPC**.

The case diary produced, has been perused.

Heard Mr. B. Chowdhury, learned counsel appearing for the petitioners and Mr. B. Sarma, learned Additional Public Prosecutor, appearing for the State.

This is the second pre-arrest bail application for the petitioner, first of such application was rejected vide order, dated 12-10-2020, passed in AB No. 2425/2020.

On perusal of the materials in the case diary, it is found that the incriminating materials are there against the petitioners. The incriminating materials were there at the time of the first application also.

The materials in the case diary remaining the same, this Court is not inclined to grant the privilege of pre-arrest bail to the petitioners.

Accordingly, the prayer for pre-arrest bail made by the petitioners, above named, is **rejected**.

In terms of the above this petition stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant