GAHC010165092020

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

Case No. : AB/3313/2020

JAHANGIR ALAM AHMED @ JAHANGIR ALI
S/O- JALAL, R/O- VILL- NATUN SORABORI, KONWARPUR, P.S. HAJO, DIST.- KAMRUP (R), ASSAM

2: MUSTAFA ALI
S/O- MIYACHAND, R/O- VILL- NATUN SORABORI, KONWARPUR, P.S. HAJO, DIST.- KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MD A H ANSARI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 03-12-2020

Heard Mr. AH Ansari, learned Counsel for the petitioners and Mr. NK Kalita, learned Addl.Public prosecutor for the State respondent.

By this petition under Section 438 Cr.P.C., the petitioners, namely**, 1.Jahangir Alam Ahmed @ Jahangir Ali and 2. Mustafa Ali** have prayed for pre-arrest bail apprehending arrest in connection with **Hajo PS Case No.713/2020** under Sections

143/147/148/447/427/395/354 A/354 B of the IPC.

The case diary is received.

Mr. AH Ansari, learned Counsel for the petitioners, submits that the petitioners are named against serial Nos.37 and 12 of the 54 named accused persons in the FIR, which contains false and concocted story of the occurrence and that they were not even present at the relevant time at the place of occurrence. Mr. Ansari also submits that some of the named accused persons have already got the privilege of pre-arrest bail and as such, the present petitioners' pre-arrest bail may be accepted.

Mr. NK Kalita, learned Addl.P.P. submits that in the alleged incident a large number of people were involved.

The FIR reveals that on 17.07.2020 some unknown miscreants killed the husband of the informant and after some time the petitioner along with the some other persons armed with jong, fork, dao, axe, hammer and iron rod illegally entered into the house of the informant and took away cash, gold ornaments and outraged the modesty of the informant and other women.

Perusal of the case diary reveals prima facie implicating material against the petitioners. The confusing incident occurred, prima facie at the instigation of an accused. Some named accused persons have already availed pre-arrest bail and as such, this Court is of the view that keeping parity in orders as the present petitioners are also with similarly situated fact situation, they may be extended the benefit of pre-arrest bail without any possibility of causing hindrance in the ongoing investigation.

Accordingly, it is provided that in the event of arrest, each of the petitioners, named above, they shall be released on pre-arrest bail, on furnishing bail bond of **Rs.10,000/-** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

(i) That the petitioners shall appear before the Investigating Officer within 10 days;

(ii) That the petitioners shall not hamper or tamper with the investigation in any manner; and

(iii) That 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/her from disclosing such facts to the Court or to any police officer.

Return the case diary.

The anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant