

GAHC010052052019



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

Case No. : AB 753/2019

1: SAD AKKAS ALI AND 2 ORS.
S/O CHAN MIAH, R/O VILL-GONOBINNA, P.O. AND P.S.-ABHAYAPURI,
DIST-BONGAIGAON, ASSAM, PIN-783383

2: MALIDA KHATUN
W/O SAD AKKAS
R/O VILL-GONOBINNA
P.O. AND P.S.-ABHAYAPURI
DIST-BONGAIGAON
ASSAM
PIN-783383

3: CHAN MIAH (MUNSHI)
S/O LATE JOYIN UDDIN
R/O VILL-GONOBINNA
P.O. AND P.S.-ABHAYAPURI
DIST-BONGAIGAON
ASSAM
PIN-78338

VERSUS

1: THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

Date : 30-04-2019

Heard Mr. SC Biswas, learned counsel for the petitioners. Also heard Mr. B Sarma, learned Additional Public Prosecutor, Assam.

By this petition under Section 438 Cr.P.C., the petitioners, namely **1. Sad Akkas Ali, 2. Malida Khatun** and **3. Chan Miah**, apprehending their arrest have prayed for granting them pre-arrest bail, in connection with **Abhayapuri PS Case No. 88/2019** under Sections 341/326/323/34 of the IPC.

The case diary called for is placed before the court.

Mr. Biswas, learned counsel for the petitioner submits that the petitioners are on interim pre-arrest bail granted vide order, dated 14.03.2019, and that the petitioners appeared before the I.O. and their statement under Section 161 of the Cr.P.C. was recorded.

Mr. Sarma, learned Additional Public Prosecutor submits that the injuries were simple in nature caused by blunt object. There is only one injured, namely, Sattar Ali.

On perusal of the case diary, it is noticed that in terms of the conditions of the interim pre-arrest bail granted vide order, dated 14.03.2019, the petitioners appeared before the I.O. and got their statements recorded under section 161 Cr.P.C.. The petitioners are co-operating in the investigation and there is no adverse report against the petitioners from the I.O.. The case diary reveals no justifiable reason for custodial interrogation of the petitioners in the interest of further investigation of the case.

Therefore, the interim anticipatory bail granted in favour of the petitioners, vide order dated 14.03.2019, is hereby made absolute, subject to the following conditions:-

- (i) that the petitioners shall appear before the I.O. of the case as and when required for the purpose of investigation;
- (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 from disclosing such facts to the Court or to any police officer.

Return the case diary.

With the above directions, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant