

GAHC010106482025



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

Case No. : AB/1122/2025

MD ALI HUSSAIN ALIAS ALI HUSSAIN AND 3 ORS.
S/O ASRAF ALI
R/O VILL- AIRONJONGLA
PT. I, P.S. DHUBRI,
DIST. DHUBRI, ASSAM

2: NUR ALOM SHEIKH
S/O ASRAF ALI
R/O VILL- AIRONJONGLA
PT. I
P.S. DHUBRI

DIST. DHUBRI
ASSAM

3: SHAHA ALOM SK.
S/O ASRAF ALI
R/O VILL- AIRONJONGLA
PT. I
P.S. DHUBRI

DIST. DHUBRI
ASSAM

4: ROHOM ALI
S/O ASRAF ALI
R/O VILL- AIRONJONGLA
PT. I
P.S. DHUBRI

DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, A S CHOUDHURY, MR A W AMAN, MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM, MS F INTAZ (INFORMANT), MR. Z H AHMED (INFORMANT), MR. M A SHEIKH (INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 04.06.2025

1. Heard S. Das, learned counsel for the petitioners. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State and Mr. M. A. Sheikh, learned counsel for the informant.

2. The learned counsel for the petitioners has submitted that the petitioners herein are falsely implicated in the FIR which was lodged by the father of the deceased and which was subsequent to the intimation regarding theft made by the victim, Manjur Alam Sheikh himself before the In-charge of Bazar Outpost Amco Road, Dhubri. He submits that on the basis of the FIR lodged by the victim, before the In-charge of Bazar Outpost Amco Road, Dhubri, a Bazar TOP GDE No. 157 dated 11.04.2025 was made. In the said FIR, the victims (since deceased) had categorically named six assailants who had assaulted the deceased. However, in the said FIR, the present petitioners were not named.

3. The learned counsel for the petitioners has submitted that a subsequent FIR, i.e., FIR lodged by the father of the deceased on 12.04.2025,

on the basis of which Dhubri P.S. Case No. 194/2025 was registered, they were falsely implicated in the said FIR only because they happened to be brother of one Ennus, who has been named as the accused No. 1 in the FIR lodged by the deceased.

4. The learned Additional Public Prosecutor, on the other hand, submits that she is unable to find the Bazar TOP GDE No. 157 dated 11.04.2025 in the case diary.

5. Mr. M. A. Sheikh, learned counsel for the informant has vehemently opposed grant of any interim protection before ascertaining the existence of Bazar TOP GDE No. 157 dated 11.04.2025, of which mention has been made in the submissions made by the learned counsel for the petitioners and a copy of same is also annexed as Annexure No. 3 with the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, it is crucial for consideration of the instant bail application that the veracity of Bazar TOP GDE No. 157 dated 11.04.2025 be ascertained. Therefore, in view of above, the Officer-in-charge of Dhubri Police Station is directed to furnish a copy of Bazar TOP GDE No. 157 dated 11.04.2025 before this Court through the Office of the learned Additional Public Prosecutor on the next date fixed.

7. The case diary shall be retained till that date.

8. List this matter again on 13th of June, 2025.

9. Let a copy of this order be furnished to the learned Additional Public Prosecutor.

10. The learned Additional Public Prosecutor is also requested to ascertain

over telephone from the Officer-in-charge Dhubri Police Station regarding existence of Bazar TOP GDE No. 157 dated 11.04.2025 and get a copy of the same through online mode and place the same before this Court on the next date fixed.

11. List accordingly.

JUDGE

Comparing Assistant