

GAHC010150152025



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

Case No. : AB/1589/2025

ABDUL SALIM ALIAS ABDUL SALIM AKTAR AND ANR
S/O LT. SAHINUR ISLAM @ RAHMAN
R/O BOWALIARI
P.S. ABHAYAPUR
DIST. BONGAIGAON, ASSAM

2: SAFAR ALI
SON OF LATE ASRAB ALI
R/O BOWALIARI
P.S. ABHAYAPUR
DIST. BONGAIGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M I HUSSAIN, R KHA,N. UDDIN,MS. P AHMED
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 10.07.2025

- 1.** Heard Mr. M. I. Hussain, learned counsel for the petitioners. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor for the State.
- 2.** This application under Section 482 of BNSS, 2023 has been filed by the

petitioners, namely, 1. *Abdul Salim @ Abdul Salim Aktar* and 2. *Safar Ali*, who are apprehending their arrest in connection with Abhayapuri P.S. Case No. 124/2025 under Sections 329(4)/118(2)/109(1)/304(2)/3(5) of the BNS.

3. The gist of accusation in this case is that on 09.06.2025, one Mahela Khatun had lodged an FIR before the Officer-in-charge of Abhayapuri Police Station, *inter alia*, alleging that on 09.06.2025 at about 6:30 PM, the accused persons named in the FIR including the present petitioners trespassed into the courtyard of the informant and tried to stab her, however, when the informant screamed, they fled away from there.

4. The learned counsel for the petitioners has submitted that both the petitioners are not involved in this case and they have been wrongly implicated by the informant in this case. He submits that in fact the accused No. 1 named in the FIR, namely, Rokibul Alamin @ Bittu was assaulted by the informant and five other accused persons and in that regard an FIR has also been lodged by the mother of the Rokibul Alamin.

5. The learned counsel for the petitioners has submitted that though both the above named petitioners are named in the FIR, however, no specific accusation has been alleged against them and it is only against the Rokibul Alamin @ Bittu that accusations has been specifically made by the informant.

6. The learned counsel for the petitioners has submitted that the petitioners are ready to co-operate in the investigation and, therefore, their custodial interrogation may not be necessary.

7. On the other hand, learned Additional Public Prosecutor has prayed for calling of the case diary.

8. Prayer is allowed.

9. Call for the case diary.

10. However, in the meanwhile, considering the submissions made by the learned counsels as discussed in the forgoing paragraphs, both the petitioners are directed to appear before the Investigating Officer of Abhayapuri P.S. Case No. 124/2025 within a period of seven days from the date of this order and co-operate in the investigation. If they do so, within the stipulated period of time, in the event of their arrest, in connection with the aforesaid case, they shall be allowed to go on interim bail of Rs.30,000/- (Rupees Thirty Thousand) each with one surety of like amount subject to the satisfaction of the arresting authority with following conditions:-

(i) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts of the case before the Investigating Officer;

(ii) That the petitioners shall co-operate in the investigation;

11. List this matter again on 31.07.2025 for case diary.

JUDGE

Comparing Assistant