

GAHC010037632023



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

Case No. : AB/560/2023

AZIZUR RAHMAN AND ANR
S/O DAROG ALI PARAMANIK @ DARUK ALI
R/O VILL- HONGSOBIL,
P.S. GOSSAIGAON
DIST. KOKRAJHAR, ASSAM
PIN-783360

2: DARG ALI PARAMANIK @ MD DARUK ALI
S/O LT. KEFAT PARAMANIK
R/O VILL- HONGSOBIL

P.S. GOSSAIGAON
DIST. KOKRAJHAR
ASSAM
PIN-78336

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MD A HUSSAIN
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

28.03.2023

Heard Mr. A. Hussain , learned counsel for the petitioners. Also Heard Mr. B.

Sarma, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioners, namely **(1) Azizur Rahman and (2) Darog Ali Pramanik @ Md. Daruk Ali**, apprehending their arrest in connection with **Gossaigaon P.S. Case No. 56/2023 (GR Case No. 69/23)** registered u/s **9/10/11(1) of the Prohibition of Child Marriage Act, 2006, R/W Section 6/17 of POCSO Act, 2012.**

The Case diary, as called for, is placed before the Court.

The case relates to commission of child marriage and marital sexual intercourse of the victim with the petitioner No.1.

It may be mentioned that by order, dated 23.02.2023, this Court granted the privilege of interim pre-arrest bail to the petitioner No. 2.

Mr. B. Sarma, learned Addl. Public Prosecutor, submits that the case diary shows that the petitioner Nos.2 appeared before the investigating officer and got his statement recorded under Section 161 Cr.P.C. as per the interim pre arrest bail granted earlier. There is no adverse report against the petitioner from the I.O.

Therefore, the interim pre-arrest bail granted to the petitioner No. 2 vide order, dated 23.02.2023 is hereby made absolute, subject to the following conditions-

- (i) That the petitioner No. 2 shall co-operate in investigation as and when required;
- (ii) That the petitioner No. 2 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; and

- (iii) That the petitioner No. 2 shall not hamper or tamper with the investigation in any manner.

As, there is no sufficient prima facie material warranting custodial interrogation of the petitioner No.1. This Court finds that the privilege of pre-arrest bail may be considered in his favour.

Accordingly, it is provided that in the event of arrest, the petitioner No.1, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 50,000/-** with one local surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioner No.1 shall appear before the Investigating Officer within 7 days; failing which on and from the 8th day, the pre-arrest bail order shall automatically come to end; and
- (ii) That the petitioner No.1 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.

This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant