

GAHC010063202023



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

Case No. : AB/1099/2023

KHALEK ALI AND 2 ORS
S/O- SUKUR ALI, R/O- VILLAGE- BOGSARA, P.S. SARTHEBARI, DIST.-
BARPETA, ASSAM

2: SUKUR ALI
S/O- LT. AHED ALI
R/O- VILLAGE- BOGSARA
P.S. SARTHEBARI
DIST.- BARPETA
ASSAM

3: KISHMAT ALI
S/O- LT. SUKUR ALI
R/O- VILLAGE- GOPALPUR
P.S. BHAGBAR
DIST.- BARPETA
ASSA

VERSUS

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

Advocate for the Petitioner : MR. D F A AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 26.06.2023

Heard Mr. J. Laskar, learned counsel for the petitioners. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State.

This case was fixed for perusal of case diary today, however, learned Additional Public Prosecutor submits that in-spite of sending communications to the Investigating Officer on three separate occasions, the case diary has not been furnished.

It appears from the record that by order dated 03.04.2023, the petitioner nos. 2 and 3 were allowed to remain on interim bail with certain conditions.

It has submitted by learned counsel for the petitioners that in pursuant to the order dated 03.04.2023 of this Court the petitioner No. 2 and 3 have already appeared before the Investigating Officer Sarthebari PS Case No.25/2023 and have co-operated with the investigation.

The accusation in this case is that on 02.02.2023 one Md. Sahajan Ali lodged an FIR before the Officer-in-Charge of Sarthebari Police Station, *inter alia*, alleging that minor daughter of his neighbor, who was aged about 16 years, was forcefully married to the present petitioner No. 1 who is 11 year elder to the victim girl.

The learned counsel for the petitioners has submitted that the petitioner no. 1 Khalek Ali who is aged about 27 years is the husband of victim

girl and the petitioner nos. 2 & 3 are father and father-in-law of the victim girl.

It is also submitted by learned counsel for the petitioners that recently a child has born out of the said wedlock.

Considering the aforesaid facts that even after repeated issuance of reminders by learned Additional Public Prosecutor, the Investigating Officer has failed to produce the case diary before this Court, the anticipatory bail granted to accused No. 2 Sukur Ali & accused no.3 Kismat Ali by order date 03.04.2023 is hereby made absolute, with the condition that they shall co-operate in the investigation of Sarthebari P.S. Case No.25/2023 with the Investigating Officer and shall not in any manner directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade him or her from disclosing such facts to the Investigating Officer or to any Police Officer or to any court of the said case.

The petitioner no. 1 is also directed to appear before the Investigating Officer of Sarthebari P.S. Case No.25/2023 within the period of ten days from the date of this order and shall co-operate in the investigation of Sarthebari PS Case No.25/2023.

If he does so within the stipulated period of time, in the event of his arrest, in connection with Sarthebari P.S. Case No.25/2023, he shall be allowed to go on bail of Rs. 20,000/- (Rupees Twenty Thousand only) with one surety of like amount to the satisfaction of the arresting authority with the similar conditions which are prescribed for accused nos. 2 & 3.

With the above observations, this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant