

GAHC010091652023



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

Case No. : AB/1532/2023

NUR ALI AND ANR
S/O LATE WAHAB ALI
R/O VILL- NO. 2 MAGURMARI
P.S. DHULA
DIST. DARRANG, ASSAM

2: NASIRUDDIN AHMED @ NASIRUDDIN
S/O HUMAR ALI
R/O VILL- NO. 2 MAGURMARI
P.S. DHULA
DIST. DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

10.05.2023

1. Heard Mr. M. Ahmed, learned counsel appearing for the petitioners as well as Mr. K.K.

Das, learned Addl. P.P. appearing for the State respondent.

2. The petitioners, namely, Nur Ali and Nasiruddin Ahmed @ Nasiruddin , have filed this application under Section 438 Cr.P.C with prayer for pre-arrest bail as they are apprehending arrest in connection with Kharupetia P.S. Case No. 86/2023, under Sections 120(B)/365/342/384/420 IPC.

3. I have considered the submissions at the Bar and I have also perused the case diary.

4. The learned Addl. P.P. has raised serious objections against the bail prayer. It is submitted that there are incriminating materials against the accused persons in the case diary.

5. The FIR unfolds that on 28.03.2023 at about 9.00 P.M. Hajarat Ali, on the pretext of going to Jalsa called the informant but instead of going to Jalsa, Hajarat Ali took him to the house of the accused persons named in the FIR and confined in a room. After some time, Mazid Ali and Sukur Ali came to the house of Hajarat Ali along with one girl. At that moment, Sahar Ali, Hamed Ali, Abdul Awal Mazid Ali came near him and asked him to undress and immediately brought the girl who also undressed and asked her to embrace him. It was a case of honey trapping and objectionable photographs were clicked and thereafter, the money was demanded by the accused named in the FIR who also threatened him to implicate him under false cases, if money was not paid. The accused named in the FIR took him in a maruti car to one ATM booth and withdraw Rs. 1,60,000/- and thereafter Rs. 50,000/- was taken from his account and a total amount of Rs. 2,10,000/- was finally taken from the informant.

6. I have considered the submissions on behalf of the present petitioner that no specific

allegations have been made against them. They are named in the FIR in a blanket manner. It is also not clear from the FIR, if the present petitioners had any role to play under the act of honey trapping and thereafter of procuring an amount of Rs. 2,10,000/-. The case diary reveals that investigation has progressed to a considerable extent. The present petitioners are local residents and they have pledged to co-operate with the investigation.

7. After considering the submissions at the Bar and considering all aspects, petition is allowed.

8. In the event of their arrest, the petitioners shall be enlarged on bail of Rs. 30,000/- each with a suitable surety each of like amount to the satisfaction of the arresting authority, under conditions that,

(i) the petitioners will appear before the I/O within 10(ten) days and co-operate with the investigation,

(ii) the petitioners will not exercise threats to the victim as well as the witnesses,

(iii) the petitioners will refrain from such activities with which they are alleged, and

(iv) the petitioners will not leave jurisdiction of the Court without prior permission till the completion of the investigation.

Send back the case diary.

JUDGE

Comparing Assistant