

GAHC010101132023



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

Case No. : AB/1687/2023

ARAB ALI
S/O JOYNAL ABEDIN
R/O VILL- CHENIMARI
WARD NO.03, P.S.LAHORIGHAT
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 25.05.2023

Heard Mr. F. Haque, learned Counsel appears for the petitioners. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor appearing for the State of Assam.

2. By this application under Section 438 of Cr. P.C., the

petitioner, namely, Arab Ali seeking Anticipatory Bail apprehending arrest in connection with an FIR dated 19.02.2021, which is registered as Lahorighat Police Station case No. 89/2021 corresponding to G.R. No. 591/2021, registered under Sections 366/368/371/325/34 of IPC.

3. The learned counsel for the petitioner submits that by an FIR dated 19.02.2021 lodged by the informant, one Wahida Begum, it was alleged that in the said FIR, 5 (five) persons including the petitioner were named as accuseds. The petitioner was named as accused No.5. In the said FIR it was alleged that the accused person No.1 taking advantage of the absence of her husband from home, on the pretext of offering her a job at a Soap factory situated at Guwahati, the informant was taken by the accused No.1 to the house of the accused No.3, where she stayed for about two (2) days and thereafter the accused person Nos.2 and 3 kept her in house situated at Rongapathar for one (1) night. The accused persons No.2 and 3 thereafter on the pretext of engaging her at a Shop factory at Guwahati took her to Delhi by train. In Delhi, she was taken to a building, where she was forced to engage in prostitution. When she refused, she was assaulted. However, when she had threatened to kill herself by jumping from the 4th floor, and raised hue and cry, the accused persons brought her to a counter on 25.02.2021. Thereafter, she called her husband on mobile phone and asked him to come. Subsequently, she returned home.

4. This Court vide earlier order dated 12.05.2023 had called for the case diary. The case diary as called for has been presented before this Court today by the learned Additional Public Prosecutor.

5. Upon perusal of the case diary, it is seen that the victim/informant had recorded her statement under Section 164 Cr.P.C. There she has implicated the accused No.1, named in the FIR. There are no incriminating materials seen against the present petitioner, who is accused No.5 in the FIR. The medical examination was refused by the informant with proper endorsements. From the statements of the various witnesses recorded by the Investigating Officer in the case diary, no specific materials are seen against the present petitioner at this stage of investigation.

6. Considering the submissions made by the learned counsels for the parties and upon perusal of the case diary as presented, this Court is of the view that the prayer for anticipatory bail as prayed for by the petitioner can be granted.

7. Accordingly, this Court is of the view that in the event of his arrest in connection with the Lahorighat Police Station case No. 89/2021 corresponding to G.R. No. 591/2021, registered under Sections 366/368/371/325/34 of IPC, the petitioner be released on furnishing a bail bond of Rs.30,000/- (Rupees thirty thousand) only with one local surety of like amount to the satisfaction of the Arresting Authority. The anticipatory bail

granted, however, is subject to the following conditions:-

1. That the petitioner shall appear before the Investigating Officer within 10(ten) days and co-operate in the investigation as and when required;
2. The petitioner shall not leave the territorial jurisdiction of the police station, without prior written permission from Officer-in-Charge, Lahorighat Police Station.
3. That the petitioner shall not hamper or tamper with the investigation in any manner; and
4. That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.

8. If any of the conditions are found to be violated then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the petitioner.

9. Anticipatory bail petition is accordingly disposed of.

10. Return the Case Diary.

JUDGE

Comparing Assistant