

GAHC010103522023



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

Case No. : AB/1732/2023

INZADUR RAHMAN AND 4 ORS
S/O HABIBUR RAHMAN
R/O VILL- NO. 3 BARUAJHAR
P.O. BESIMARI
P.S.DALGAON
DIST. DARRANG, ASSAM

2: SURUJ JAMAL
S/O LATE AKBAR ALI MOLLAH
R/O VILL- NO. 3 BARUAJHAR
P.O. BESIMARI
P.S.DALGAON
DIST. DARRANG
ASSAM

3: MOKSIDUR RAHMAN
S/O HABIBUR RAHMAN
R/O VILL- NO. 3 BARUAJHAR
P.O. BESIMARI
P.S.DALGAON
DIST. DARRANG
ASSAM

4: MOHAMMAD ALI
S/O SOBAHAN ALI
R/O VILL- BARUAJHAR
P.O. BESIMARI
P.S. DALGAON
DIST. DARRANG
ASSAM

5: HABIBUR RAHMAN
S/O LATE JABED ALI
R/O VILL- NO. 3 BARUAJHAR

P.O. BESIMARI
P.S. DALGAON
DIST. DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

06-06-2023

Heard Mr. HRA CHoudhury, learned Senior Counsel, assisted by Mr. I. A. Hazarika, learned counsel for the petitioners and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 438 CrPC the petitioners, namely, **1) Inzadur Rahman, 2) Suruj Jamal, 3) Moksidur Rahman, 4) Mohammad Ali and 5) Habibur Rahman**, apprehending their arrest are seeking pre-arrest bail in Dalgaon P.S. Case No.192/2023 registered under Sections 365/325/34 IPC, corresponding to G.R. No. 823/2023.

As per the FIR of the case, father of the victim on 28.04.2023 lodged a written ejahar before the Officer-in-Charge of Dalgaon Police Station stating that while the victim, his daughter was in School, the petitioner No.1 proposed her for marriage, but the informant refused the said proposal and married his daughter to someone else in a different place.

The informant alleged that on 22.03.2023, the accused petitioner No.1 along with some others around 8-8:30 pm forcefully kidnapped his daughter from her matrimonial home in a Baleno Car bearing Registration No.AS-13-EU-5386 and kept the victim at different places.

The informant, i.e., father of the victim on 25.04.2023, came to know that the victim was beaten and since the victim is found missing for long time, the informant apprehends that his daughter might have been killed by the accused petitioners.

Perused the case diary produced before the Court today by Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam.

The victim has been recovered and she went back to her paternal house.

Perused the statement of the victim recorded under Sections 161 CrPC as well as 164 CrPC.

It is seen that while the victim was in School, she had a love affair with the accused petitioner No.1.

Case diary also reveals that after leaving her matrimonial home with the accused petitioner No.1, on the night of 23.03.2023, she stayed with the accused petitioner No.1 upto 25.04.2023 at various places and also in the house of the said accused petitioner No.1.

Considering the above and the materials in the case diary, the Court is of the opinion that custodial interrogation of the petitioners are not warranted to investigate said Dalgaon P.S. Case No.192/2023. Accordingly, this pre arrest bail application of the petitioners is accepted.

Accordingly, it is provided that in the event of arrest of the petitioners namely, **1) Inzadur Rahman, 2) Suruj Jamal, 3) Moksudur Rahman, 4) Mohammad Ali and 5) Habibur Rahman**, be released on bail in said Dalgaon P.S. Case No.192/2023, on furnishing a bail bond of Rs.50,000/-, each with 2 (two) local sureties each, of the like amount, to the satisfaction of the arresting authority on conditions that the petitioners shall – **(i)** appear before the Investigating Officer of said Dalgaon P.S. Case No.192/2023 on or before **09.06.2023** and thereafter, as and when they are required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Dalgaon Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** they 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 them from disclosing such facts to the Court or to

any police officer, failing which, the bail granted to them in the aforesaid Dalgaon P.S. Case No.192/2023 shall stand automatically vacated.

Any violation of the aforesaid terms and conditions by the petitioners, named above, the pre arrest bail granted to them in the aforementioned Dalgaon P.S. Case No.192/2023 shall stand automatically vacated.

Return the case diary.

This pre-arrest bail application stands disposed of to the extent above.

JUDGE

Comparing Assistant