

GAHC010114712023



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

Case No. : AB/1880/2023

NIJAM ALI AND 2 ORS
S/O LATE ALIM ALI
R/O RADHAKUSHI
P.S. BAIHATA CHARIALI,
DIST. KAMRUP,
PIN-781381

2: MAINUL ALI
S/O KADER ALI
R/O BELSOR
P.S. BELSOR
NALBARI
PIN-781304

3: RINKU BEGUM @ NAJMA BEGUM
W/O MAINUL HAQUE
R/O BELSOR
P.S. BELSOR
NALBARI
PIN-78130

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR D J HALOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

13-06-2023

Heard Mr. D. J. Haloi, 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) Nijam Ali, 2) Mainul Ali** and **3) Rinku Begam @ Najma Begum** apprehending their arrest is seeking pre arrest bail in Baihata Chariali P.S. Case No. 121/2023 registered under Sections 420/406/376 IPC, corresponding to G.R. No. 428/2023.

The informant on 24.04.2023 lodged a written Ejahar before the Officer-in-Charge of Baihata Chariali Police Station against the FIR named accused persons including the present petitioners alleging that the petitioner No.1 came to his house on 22.07.2021 with a proposal of marriage of his daughter with the petitioner No.2's son, namely Noor Alam @ Sani Ahmed stating that said Noor Alam is working in IDFC Bank and that the petitioner No.1 is a First Class Contractor. Both the petitioner Nos. 1 and 2 invited the informant to their house. Ultimately, there was a ring ceremony between the accused Noor Alam and his daughter during which the informant, being the father spent more than Rs.2,00,000/-. After such ring ceremony, the accused Noor Alam took some amount of money from the informant for the purpose of his business, but later, the accused persons refused to marry his daughter. Accordingly, the informant lodged the Ejahar, which was registered as Baihata Chariali P.S. Case No. 121/2023 under Sections 420/406/376 IPC.

Mr. Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that the accused Noor Alam along with the other FIR named accused persons including the present petitioners herein were involved regarding the engagement and marriage of the daughter of the informant with said Noor Alam, son of the petitioner No.2 and that said Noor Alam has already been arrested and detained in custody.

Mr. Goswami from the case diary further submitted that the case diary is silent regarding committing of any rape on the daughter of the informant. But the case diary

reveals that the ring ceremony took place between the son of petitioner No.2 i.e., and the daughter of the informant.

By order dated 30.05.2023, the petitioner No.1, Nijam Ali and petitioner No.3 Rinku Begum @ Najma Begum were granted interim bail in said Baihata Chariali P.S. Case No. 121/2023.

Mr. Goswami, from the case diary also submitted that after obtaining interim pre-arrest bail in said Baihata Chariali P.S. Case No. 121/2023 on 30.05.2023, the petitioners Nos. 1 and 3 appeared before the concerned I.O. of the case and their statements have also been recorded.

Considering the above, the Court is of the opinion that custodial interrogation of the petitioners, namely, **1) Nijam Ali, 2) Mainul Ali and 3) Rinku Begam @ Najma Begum** are not warranted to investigate the said Baihata Chariali P.S. Case No. 121/2023. Accordingly, this pre-arrest bail application of the petitioners, named above, in said Baihata Chariali P.S. Case is accepted.

As noted above, the petitioner Nos. 1 and 3 namely, **Nijam Ali and Rinku Begam @ Najma Begum** are already on interim bail in said Baihata Chariali P.S. Case No. 121/2023 granted to them earlier on 30.05.2023 and the same is hereby made absolute in similar the terms and conditions specified in the order dated 30.05.2023.

Further, it is provided that in the event of arrest of the petitioner No.2, namely, **Mainul Ali** in said Baihata Chariali P.S. Case No. 121/2023, he shall be released on bail on furnishing bail bond of Rs. 30,000/- with two local sureties of the like amount to the satisfaction of the arresting authority on conditions that the petitioners shall - **(i)** appear before the Investigating Officer of Baihata Chariali P.S. Case No. 121/2023 on or before **19.06.2023** and thereafter, as and when he is required for necessary investigation of said Baihata Chariali P.S. Case; **(ii)** not leave the territorial jurisdiction of the Baihata Chariali 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)** 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.

Any violation of the aforesaid terms and conditions by any of the petitioners, named above, the pre arrest bail granted to them in the aforementioned Baihata Chariali P.S. Case No. 121/2023 shall stand automatically vacated.

Return the case diary.

Accordingly, this pre-arrest bail application stands disposed of.

JUDGE

Comparing Assistant