

GAHC010115942023



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

Case No. : AB/1896/2023

SHAJAHAN ALI
S/O- ISLAM UDDIN, R/O- HATIJUJUA, P.S. JAJORI, DIST.- NAGAON, ASSAM

VERSUS

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

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27-06-2023

Heard Mr. S Munir, learned counsel for the petitioner and Mr. D Das, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 438 CrPC, the petitioner, namely, **Shajahan Ali**, has prayed for his pre arrest bail in Jajori Police Station Case No. 22/2023 corresponding to G.R. Case No. 1460/2023, registered under Sections 384/354(B)/34 IPC.

As per the FIR of the case, the petitioner along with other co-accused on the night of

23.04.2023 snatched away the mobiles of the victims, assaulted them as they did not provide them with their mobile numbers and thereafter, they took the complainant to the nearby field and outraged her modesty by tearing her cloths. When she raised hue and cry, a nearby person came to the place of occurrence and the accused persons fled away.

Accordingly, Jajori P.S. Case No. 22/2023 corresponding to G.R. Case No. 1460/2023 was registered under Sections 384/354(B)/34 IPC against the accused persons of the case including the petitioner.

The Court earlier on 31.05.2023 granted interim bail to the petitioner, namely, **Shajahan Ali**, in said Jajori P.S. Case No. 22/2023 and accordingly, he appeared before the concerned Investigating Officer of the case and his statement was recorded.

From the Case Diary, Mr. Das, learned Additional Public Prosecutor, Assam has submitted that the victim sustained minor injuries like aberrations etc. The statement of the victim under Section 164 CrPC was recorded as well as that of the concerned witness who came to the place of occurrence and rescued the victim of the case.

Mr. Das, learned Additional Public Prosecutor, Assam from the Case Diary also submitted that the petitioner is cooperating with the investigation of the case.

The petitioner namely, **Shajahan Ali**, is already on interim bail in said Jajori P.S. Case No. 22/2023 granted to him earlier on 31.05.2023 and the same is hereby made absolute on the terms and conditions that the petitioner shall – **(i)** appear before the Investigating Officer of said Jajori P.S. Case No. 22/2023 as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Jajori 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)** he 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 him in the aforesaid Jajori P.S. Case No. 22/2023 shall stand automatically vacated.

It is clarified that the petitioner, namely, **Shajahan Ali**, shall not indulge in any type of criminal activities/any other criminal offence in future and any violation of the terms and

conditions as specified in the order dated 31.05.2023 as well as herein above, this pre-arrest bail application of the petitioner shall automatically stand vacated.

Return the case diary herewith.

This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant