

GAHC010143632023



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

Case No. : AB/2323/2023

PAMOR ALI AND 2 ORS
S/O ENTAZ ALI
VILL- MAJERALGA, PART-4, P.S. FAKIRGANJ, DIST. DHUBRI, ASSAM
PIN-783324

2: SHORIFUL ISLAM @ SHAIFUL ISLAM
S/O SABDER ALI
VILL- DIMATOLA
POYESTI
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-783324

3: HAMIDA KHATUN
D/O PAMOR ALI
W/O SHAIFUL ISLAM
VILL-MAJERALGA
PART- 4
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-78332

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K SARMA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

04.08.2023

Heard Mr. A.K. Sarma, learned counsel appearing for the petitioners. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor, Assam for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioners, namely **1) Pamor Ali 2) Shoriful Islam @Shaiful Islam and 3) Hamida Khatun**, apprehending arrest in connection with **Fakirganj P.S. Case No.63/2023** under Section **370(A)(2)** of the IPC read with Sections **4/5** of the Immoral Traffic Prevention Act, 1956.

The case diary of Fakirganj P.S. Case No.63/2023 is placed before the Court.

Mr. A.K. Sarma, learned counsel appearing for the petitioners, submits that the allegations made in the FIR are totally false and fabricated. Mr. Sarma submits that the petitioner No. 1 never called the wife of the informant, that is, the FIR named accused No.3, to his residence. In fact, Mr. Sarma submits that the informant had some marital disputes with the FIR named accused No.3, who is his first wife. Mr. Sarma further submits that on the day of the alleged occurrence, the wife of the informant came to the house of the petitioner No.1 to have some discussion regarding monetary issue with the petitioner No.2, but all of a sudden as a result of some conspiracy by the informant, some of his relatives and friends entered into the house and assaulted the petitioners. Mr.

Sarma also submits that in connection with the incident, the wife of the informant has also lodged another case which is registered as Fakirganj P.S. Case No.68/2023 under Sections 143/447/326/325/354/506 of the IPC.

The F.I.R., dated 30.03.2023 reveals the allegation that on 29.03.2023, the petitioner No.1 called the wife of the informant to his residence over phone by alluring her to give money and after administering intoxicating substance to her, made her indulge in prostitution with some persons who were called by him. On getting information about such illegal activities the local people went to the house of the petitioner No.1 at about 8.30 p.m. and caught them red handed and assaulted them and informed the matter to police. The police sent three injured persons to Dhubri Medical and arrested two accused persons. However, other two accused persons fled away from the place of occurrence.

The injury reports of Shomez Ali and Shoriful Islam shows no external injury on their persons.

Upon hearing the learned counsel for both sides and considering the pros and cons of the materials available on the case diary, this Court is of the opinion that custodial interrogation of the petitioners in the interest of the ongoing investigation may not be required.

Accordingly, it is provided that in the event of arrest, each of the petitioners, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs.40,000/- (Rupees Forty Thousand)** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioners shall appear before the Investigating Officer within 7 days, failing which on and from the 8th day, this pre-arrest

bail order shall have no force; and

- (ii) That the petitioners 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 him from disclosing such facts to the Court or to any police officer.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant