

GAHC010170352023



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

Case No. : AB/2696/2023

SAMIUL ISLAM AND ANR.
S/O SAFIQUUL ISLAM,
R/O JALUKBARI, GARIGAON, P.S.- JALUKBARI, DIST.- KAMRUP (M),
ASSAM.

2: JUNMONI BEGUM
W/O SAFIQUUL ISLAM
R/O JALUKBARI
GARIGAON
P.S.- JALUKBARI
DIST.- KAMRUP (M)
ASSAM

VERSUS

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

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

11.09.2023

Heard Mr. S. Munir, learned counsel for the applicants and also heard Ms. A.

Begum, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Jalukbari P.S. Case No.448/2023, under Sections 420/341/294/354/506/34 IPC, this application under Section 438 Cr.P.C. is preferred by two applicants, namely, Samiul Islam and Junmoni Begum for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of a FIR lodged by one Jintuma Begum on 28.07.2023. The essence of allegation made in the FIR dated 28.07.2023 is that Junmoni Begum, about 3 years back took a sum of ₹ 60,000/- as loan by executing one Dalil and thereafter, she failed to return the same. Then on 28.07.2023, at about 10:30 a.m., while she went to the house of Junmoni Begum, she rebuked her with abusive language and pickup quarrel with her and attempted to cut her by means of a thumri and hearing her hue and cry while her sister Tahira Sultana came to save her, then one Samiul Islam outraged her modesty.

4. Mr. Munir, learned counsel for the applicants submits that the applicants have been granted interim pre-arrest bail by this Court vide order dated 04.08.2023, and they have appeared before the I.O. and they have been cooperating with the investigating agency and they have already returned a sum of ₹ 45,000/- and that they are ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Ms. A. Begum, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the applicants have been cooperating with the investigating agency.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Ms. Begum, learned Additional P.P.

7. In view of the materials collected so far in the case diary and also in view of the progress of investigation of the case and also in view of the cooperation being extended by the applicants to the investigating agency, their custodial interrogation seems to be not warranted here in this case. Therefore, the interim order dated 04.08.2023, is hereby made absolute, in the same terms and conditions.

8. In terms of above, this anticipatory bail application stands disposed of.
9. Case diary be returned.

Sd/- Robin Phuikan
JUDGE

Comparing Assistant