

GAHC010202332023



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

Case No. : AB/3108/2023

JASHIKA RABHA AND 7 ORS
W/O JANAK KUMAR RABHA
R/O VILL- PAKHIHAGA PRATHAM KHANDA
P.O. AND P.S. BAGRIBARI
DIST. KOKRAJHAR, ASSAM

2: DHANBATI RABHA
W/O THOMACH RABHA
VILL- DEBITOLA AJ KHANDA
P.O. AND P.S. BAGRIBARI
DIST. KOKRAJHAR
ASSAM

3: PAPILA RABHA
W/O SANJAY KOCH
R/O KALBHANDARI PART-I
P.O. AND P.S. BAGRIBARI
DIST. KOKRAJHAR
ASSAM

4: ANANTA KUMAR RABHA @ ANANTA KUMAR SUMRI
S/O MANBARU RABHA
R/O DEBITOLA PART-II
DIST. DHUBRI
ASSAM

5: BELISHWOR RABHA
S/O MANIRAM RABHA
R/O KALBHANDARI PART-I
DIST. DHUBRI
ASSAM

6: THOMAS RABHA
S/O NAWDIYA RABHA

R/O DEBITOLA PART-II
P.O. AND P.S. BAGRIBARI
DIST. KOKRAJHAR
ASSAM

7: BARNOBA RABHA
S/O LATE TIPENDRA RABHA
R/O KALBHANDARI PART-II
DIST. DHUBRI
ASSAM

8: SANTO KUMAR RABHA
S/O BHABENDRA RABHA
R/O PAKHIHAGA PART-I
DIST. DHUBRI
ASSA

VERSUS

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

Advocate for the Petitioner : MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

06.11.2023

Heard Mr. S. Das, learned counsel for the applicants and also heard Mr. K.K. Das, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Kazigaon P.S. Case No.62/2023, under Sections 153A/295A/34 IPC, this application under Section 438 Cr.P.C. is preferred by eight applicants, namely, Jashika Rabha, Dhanbati Rabha, Papila Rabha, Ananta Kumar

Rabha @ Ananta Kumar Sumri, Belishwor Rabha, Thomas Rabha, Barnoba Rabha and Santo Kumar Rabha for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Sukradhan Rabha on 17.08.2023. The essence of allegation made in the FIR is that on 16.08.2023 the applicants have allured two persons, namely, Holiram Rabha and Sahika Rabhani of Debitola and converted them to Christian, and since then they have been kept confined in some unknown place resulting law and order situation in the aforesaid place.

4. Mr. Das, learned counsel for the applicants submits that this Court was pleased to grant the privilege of interim pre-arrest bail to the applicants vide order dated 12.09.2023, and pursuant to the said order, the applicants had appeared before the I.O. and they have been cooperating with the investigating agency and therefore, Mr. Das contended to make the interim order dated 12.09.2023, absolute, in the same terms and conditions.

5. On the other hand, Mr. K.K. Das, learned Additional Public Prosecutor has produced the case diary before this Court and confirmed that the applicants have appeared before the I.O., but their statements are not available in the record. Referring to the affidavit at page-14, Mr. Das submits that the victims, namely, Haliram Rabha and Sahika Rabha have changed their faith to Christianity out of their own volition and they have not been forced by anyone.

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 Mr. Das, learned Additional P.P.

7. It appears from the affidavit, dated 17.08.2023, that the victims, namely, Haliram Rabha and Sahika Rabha have changed their faith on their own volition and they have not been pressurized by anybody. Further it appears that the applicants have appeared before the I.O. and they have been cooperating with the investigating agency. In view of above,

custodial interrogation of the applicants seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 12.09.2023, 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 Phukan
JUDGE

Comparing Assistant