

GAHC010206312022



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

**Case No. : AB/2977/2022**

SABIDUR RAHMAN @ SABIDUR  
S/O KEKAR @ KAKAR,  
VILL.- JHAPUSABARI PART- V,  
P.S.- AGOMONI,  
DIST.- DHUBRI, ASSAM.

VERSUS

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

**Advocate for the Petitioner** : MR S N SARMA SENIOR ADVOCATE

**Advocate for the Respondent** : PP, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**  
**ORDER**

**27.02.2023**

Heard Mr. M. Hussain, learned counsel for the applicant and Mr. B. Sarma, learned Addl. P.P. for the State respondent.

2. Apprehending arrest in connection with Agomoni P.S. Case No.

44/2022, (corresponding to G.R. No. 566/2022), registered under Sections 341/365/34 of the IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Sabidur Rahman @ Sabidur, for grant of pre-arrest bail.

3. The said case has been registered on the basis of an FIR lodged by one Shyamal Ch. Ray on 24.03.2022, to the effect that on 21.03.2022, at about 4:30 P.M., his minor daughter, aged about 17 years was kidnapped in a four wheeler vehicle, while she was proceeding to the Amtola Market, from a solitary place near a culvert and kept her confined till 23.03.2022 and in the evening of that day, at about 5:30 P.M., she fled away from the captivity of the accused persons, namely, Sabidur, Betka and Bakkar Ali.

4. Mr. Hussain, learned counsel for the applicant submits that pursuant to the order of this court dated 26.10.2022, the applicant appeared before the IO and his statement is recorded he has been co-operating with the Investigating Agency, and therefore, it is contended to make the interim order, dated 26.10.2022, absolute in the same terms and conditions.

5. On the other Mr. Sarma, producing the updated case diary before this court, submits that the materials collected so far in the case diary, shows the complicity of the accused with the offence alleged in the FIR, his custodial interrogation is necessary, and therefore, Mr. Sarma contended to dismiss the petition.

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

Additional Public Prosecutor.

7. It appears from the updated case diary that pursuant to the order dated 26.10.2022, the applicant has appeared before the IO and his statement is recorded. Also it appears that he has been cooperating with the investigating agency. In view of the cooperation being extended by the applicant to the investigating agency and further considering the materials collected so far in the case diary, custodial interrogation of the applicant seems to be unwarranted here in this case. Accordingly, this court is inclined to make the interim order dated 26.10.2022, absolute in the same terms and conditions.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

**JUDGE**

**Comparing Assistant**