

GAHC010216582023



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

**Case No. : AB/3311/2023**

ABDUL HANNAN AND 4 ORS  
S/O ABDUL KHALEQUE  
R/O SINGIMARI  
P.S. RUPAHIHAT  
DIST. NAGAON, ASSAM

2: INNASH ALI  
S/O SAHAB UDDIN  
R/O FUTAKOLONG  
P.S. RUPAHIHAT  
DIST. NAGAON  
ASSAM

3: JAIBUR RAHMAN  
S/O SAHAB UDDIN  
R/O FUTAKOLONG  
P.S. RUPAHIHAT  
DIST. NAGAON  
ASSAM

4: ASIYA KHATUN  
W/O SAHAB UDDIN  
R/O FUTAKOLONG  
P.S. RUPAHIHAT  
DIST. NAGAON  
ASSAM

5: FUJAIL AHMED @ FUJAIL SEN  
S/O JAIBUR RAHMAN  
R/O FUTAKOLONG  
P.S. RUPAHIHAT  
DIST. NAGAON  
ASSA

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR S M ABDULLAH P**

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

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**09.10.2023**

Heard Mr. S. Munir, learned counsel appearing on behalf of Mr. S.M. Abdullah P, 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 Rupahihat P.S. Case No.336/2023, under Section 147/148/448/365/506 IPC, this application under Section 438 Cr.P.C. is preferred by applicants, namely, Abdul Hannan, Innash Ali, Jaibur Rahman, Asiya Khatun and Fujail Ahmed @ Fujail Sen, for grant of pre-arrest bail.

3. It is to be noted here that the above noted case has been registered on the basis of one FIR lodged by one Rumesha Khatun on 24.07.2023. The essence of allegation made in the said FIR, dated 24.07.2023, is that on that day at about 12:00 p.m. one Abdul Hannan, Innash Ali, Jaibur Rahman, Asiya Khatun and Fujail Ahmed kidnapped her two daughters, namely, Smt. X and Y (names withheld) being armed with dao and khukri in a four wheeler vehicle, while no male members were present in her house at the relevant point of time.

4. Mr. Munir, learned counsel for the applicants submits that the applicant No.1 Abdul

Hannan has love affairs with one of the victim girls and rest of the applicants are family members of the applicant No.1 and applicant No.4 is a woman of 67 years old and that they are innocent and no way involved with the offence alleged in the FIR and therefore, it is contended to allow this petition.

5. On the other hand, Mr. K.K. Das, learned Additional P.P. has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the applicants and therefore, it is contended to dismiss the petition.

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. The case diary indicates that the I.O. has collected sufficient incriminating materials against the applicants in support of the allegation made in the FIR dated 24.07.2023. The statements of the victim girls recorded under Section 164 Cr.P.C. also implicated the applicants with the offence alleged in the FIR and the allegations are serious in nature and the investigation is going on and extending the privilege of pre-arrest bail to the applicants at this stage will misdirect the investigation. And therefore, this Court is of the considered opinion that this is not a fit case where the privilege of pre-arrest bail can be granted to the applicants. Accordingly, this anticipatory bail application stands dismissed.

8. Case diary be returned.

**Sd/- Robin Phukan**  
**JUDGE**

**Comparing Assistant**