

GAHC010252512023



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

Case No. : AB/3782/2023

ABDUL MALEQUE AND 5 ORS.
S/O LATE BARAN ALI
R/O VILL- GUNIALGURI
P.O. GUNIALGURI,
P.S. KALGACHIA
DIST. BARPETA, ASSAM
PIN-781319

2: SMTI. HAMIDA KHATUN
W/O ABDUL MALEQUE
R/O VILL- GUNIALGURI
P.O. GUNIALGURI

P.S. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781319

3: MISS. MOLLIKA KHATUN
D/O ABDUL MALEQUE
R/O VILL- GUNIALGURI
P.O. GUNIALGURI

P.S. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781319

4: MISS. MORIOM KHATUN
D/O ABDUL MALEQUE
R/O VILL- GUNIALGURI
P.O. GUNIALGURI

P.S. KALGACHIA

DIST. BARPETA
ASSAM
PIN-781319

5: ABDUL KADDUS
S/O LATE BARAN ALI
R/O VILL- GUNIALGURI
P.O. GUNIALGURI

P.S. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781319

6: MOSIDUL ISLAM @ MOHIDUL ISLAM
S/O ABDUL KADDUS
R/O VILL- GUNIALGURI
P.O. GUNIALGURI

P.S. KALGACHIA
DIST. BARPETA
ASSAM
PIN-78131

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MD. S ALOM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

10.11.2023

Heard Mr. S. Alom, learned counsel for the petitioner. Also heard Ms. S.H. Borah, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioners, namely, **(i) Abdul Maleque, (ii) Smti. Hamida Khatun, (iii) Miss Mollika Khatun, (iv) Miss Moriom Khatun, (v) Abdul Kaddus and (vi) Mosidul Islam**, in connection with **Kalgachia P.S. Case No. 157/2023 (corresponding to G.R. Case No. 1613/2023)**, registered under Section **417/376/341/323/506/34** of IPC.

It is submitted by the learned counsel for the petitioners that as per the FIR, the allegation is made against the accused no.1 Abdul Hamid that he had committed sexual assault to the victim and there is no allegation against the present petitioners in regard to committing any act under Section 376 IPC. At this juncture, custodial interrogation of the petitioners are not required. Hence, the benefit of pre-arrest bail be granted to the petitioners.

On the other hand, Ms. S.H. Borah, learned Additional Public Prosecutor for the State has got no objection in granting pre-arrest bail to the petitioners, as the petitioners are the relatives of accused no.1 of the FIR.

I have considered the submissions made by the learned counsel for the parties.

In view of the above, the privilege of pre-arrest bail is granted to the petitioners.

Accordingly, it is provided that in the event of arrest of the petitioners, named above, in connection with **Kalgachia P.S. Case No. 157/2023 (corresponding to G.R. Case No. 1613/2023)**, registered under Sections **417/376/341/ 323/506/34** of IPC, they shall be released on furnishing bail bond of **Rs.10,000/-** each with **a suitable surety** each of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioners:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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.

(c) shall not commit such offence as alleged in the FIR in future.

The anticipatory bail application stands disposed of accordingly.

JUDGE

Comparing Assistant