

GAHC010265252023



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

Case No. : AB/4007/2023

MD RAHUL AMIN
S/O MD. ABUL HUSSAIN
VILL- SANMILAN, P.S. DHEKIAJULI
DIST. SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A N AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 29.11.2023

Heard Mr. A. N. Ahmed, learned counsel for the petitioner. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State.

This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Md. Rahul Amin*, who is apprehending his arrest in connection with Thelamara P.S. Case No. 71/2023

under Section 366 of the Indian Penal Code.

The accusation against the present petitioner is that on 08.06.2023, one Sufia Begum, had lodged an FIR before the Officer-in-Charge of Thelamara Police Station, *inter alia*, alleging that the daughter of the first informant went missing from her house on that day at about 11.00 AM and she came to know that her daughter is with one Imdadul Amin with whom she had love affairs.

Learned counsel for the petitioner submits that the named accused in the FIR, i.e., Imdadul Amin, is the younger brother of the present petitioner and only because of the fact that the named accused is the younger brother of the present petitioner, the Police of Thelamara Police Station has compelled the present petitioner to execute an undertaking before the Police on 07.11.2023 that he would recover the victim girl within fifteen days from the date of the said undertaking. Learned counsel for the petitioner has submitted that the accused in the instant case is younger brother of the present petitioner and he does not know about the whereabouts of the victims, however, the Police is searching the present petitioner and he is apprehending his arrest in connection with this case. Learned counsel for the petitioner has submitted that the petitioner is ready to cooperate in the investigation.

Considering the fact that bare perusal of the FIR would show that the brother of the present petitioner, namely, Imdadul Amin has been specifically named in the FIR and no allegations are made against the present petitioner, the petitioner, namely, *Md. Rahul Amin* is hereby directed to appear before the Investigating Officer Thelamara P.S. Case No. 71/2023 within a period of ten days from the date of this order and cooperate in the investigation. If he does so, within the stipulated period of time, in the event of his arrest, in connection with Thelamara P.S. Case No. 71/2023, he shall be allowed to go on bail of

Rs.30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of arresting authority, subject to the following conditions:-

1. That the petitioner shall cooperate in the investigation and shall appear before the Investigating Officer;
2. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer.

With the above observation, this bail application is disposed of.

JUDGE

Comparing Assistant