

GAHC010011932024



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

Case No. : AB/249/2024

RAFIQUL MANDAL AND ANR
S/O- ICHAB MANDAL, R/O- VILLAGE AND P.S. GOBARDHANA, DIST.-
BAKSA, BTAD, ASSAM

2: ICHAB MANDAL
S/O- LATE INNACH MANDAL
R/O- VILLAGE AND P.S. GOBARDHANA
DIST.- BAKSA
BTAD
ASSA

VERSUS

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

Advocate for the Petitioner : MR. A R SIKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 28.02.2024

Heard Mr. A.R. Sikdar, learned counsel for the applicants and Ms. A. Begum,
learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Barpeta P.S. Case No. 304/2023, under Sections 365/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants namely, Rafiqul Mandal and Ichab Mandal for grant of pre-arrest bail.
3. The aforementioned case has been registered on the basis of one F.I.R., lodged by one Abul Hussain, on 04.06.2023. The essence of allegations made in the FIR is that on 02.06.2023, at about 6 pm, his daughter Smti 'X' (name withheld), aged 14 years 2 months, is kidnapped by one Habibor Mandal, with the help of Rafiqul Mandal, from the road and confined her in an unknown place.
4. Mr. Sikdar, learned counsel for the applicants submits that the applicants had been granted the privilege of interim pre-arrest bail, vide order dated 05.02.2024, and pursuant to the said order, they have appeared before the I.O., and that the applicants are cooperating with the investigating agency, and therefore, a contention is being made that the interim order dated 05.02.2024, may be made absolute in the same terms and conditions.
5. On the other hand, Ms. Begum, the learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the applications have appeared before the I.O. and cooperating with the investigating agency. However, Ms. Begum submits that investigation is still going on.
6. Having heard the submission of learned Advocates of both sides, I have gone through the application and the documents placed on record and also perused the case diary with the assistance of Ms. Begum, learned Addl. Public Prosecutor.
7. In view of the materials collected so far in the case diary and also in view of the cooperation extended by the applicants with the investigating agency,

custodial interrogation of the applicants seems not to be warranted here in this case, and therefore, this Court is inclined to make the interim order dated 05.02.2024, absolute in the same terms and conditions.

8. In terms of above, this application stands disposed of.
9. Case diary be returned.

JUDGE

Comparing Assistant