

GAHC010014052024



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

Case No. : AB/181/2024

ABDUS SALAM SIDDIQUE AND 3 ORS
S/O ABDUL HAKIM
R/O VILL- GHORAMARA PART-I,
P.O. RANGAPANI
P.S. MERERCHAR
DIST. BONGAIGAON, ASSAM
PIN-783384

2: SAKENDAR ALI
S/O AKBAR ALI
R/O VILL- GHORAMARA PART-I

P.O. RANGAPANI
P.S. MERERCHAR
DIST. BONGAIGAON
ASSAM
PIN-783384

3: JUL HUSSAIN @ HOCHEN
S/O RUSTAM ALI
R/O VILL- GHORAMARA PART-I

P.O. RANGAPANI
P.S. MERERCHAR
DIST. BONGAIGAON
ASSAM
PIN-783384

4: GOLAP HUSSAIN
S/O AMIR HUSSAIN
R/O VILL- GHORAMARA PART-I

P.O. RANGAPANI
P.S. MERERCHAR

DIST. BONGAIGAON
ASSAM
PIN-78338

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE PP, ASSAM

2:SHAJEDA KHATUN
D/O AYNAL HOQUE
VILL- SHIMLABARI PART-I
P.O. RANGAPNAI
P.S. MERERCHAR
DIST. BONGAIGAON
ASSAM

PIN-78338

Advocate for the Petitioner : G UDDIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 09-02-2024

Heard Mr. G. Uddin, learned counsel for the petitioners Abdus Salam Siddique, Sakendar Ali, Jul Hussain @ Hochen and Golap Hussain.

2. The petitioners have filed this application under Section 438 of the Code of Criminal Procedure, 1973 with prayer for pre-arrest bail as they are apprehending arrest in connection with Mererchar Police Station Case No. 02/2024 under Sections 366/323/376/34 IPC read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Notices were issued to the respondent No. 2 and notice has been received

by the uncle of the informant.

4. The FIR unfolds that accused named in the FIR kidnapped the victim and they informed her after a few days that they have solemnized marriage with the victim. Meanwhile the victim got pregnant. Preliminary enquiry report is annexed along with the petition marked as Annexure-1 series which clearly reveals that the informant has already entered into an amicable settlement

5. I have considered the submissions at the bar and I have also scrutinized the Case Diary. The petitioners are not named in the FIR. The petitioners are local residents and they have pledged to cooperate with the investigation. It appears that custodial interrogation may not be required for the progress of the investigation.

6. Petition is hereby allowed. In the event of their arrest, the petitioners shall be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) each with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

i) The petitioners shall appear before the Investigating Officer within ten days and cooperate with the investigation.

ii) The petitioners shall not exercise threats to the witnesses.

7. On breach of any bail conditions, bail order shall stand cancelled.

8. Send back the Case Diary.

In the above terms this Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant