

GAHC010018632024



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

**Case No. : AB/239/2024**

ABEDA AHMED AND ANR  
WIFE OF FAIZUDDIN AHMED, RESIDENT OF HOUSE NO.2, BIRINA PATH,  
JANAKPUR, KAHILIPARA, DISTRICT- KAMRUP (M), ASSAM

2: NAZIA AHMED  
WIFE OF MUTTAQUEE IBNUL  
DAUGHTER OF FAIZUDDIN AHMED  
RESIDENT OF 21/1  
B.NO.5TH STREET 3RD FLOOR  
OLD MADRAS ROAD HALASURU  
BANGALORE- 560008  
KARNATAKA  
INDI

VERSUS

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

**Advocate for the Petitioner : MR. B U LASKAR**

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

**BEFORE  
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 28.02.2024**

Heard Mr. B.U. Laskar, learned counsel for the applicants and Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicants, namely, Abeda Ahmed and Nazia Ahmed, who have been apprehending arrest in connection with Dispur P.S. Case no. 10/2024, under Section 498(A) IPC, for grant of pre-arrest bail.

3. It is to be noted that the above noted case has been registered on the basis of an FIR lodged by one Mehdiya Sirin Ali on 3.1.2024. The essence of allegation made in the FIR dated 3.1.2024 is that she got married to one Musshaq Ahmed on 4.12.2023, and thereafter, lived with him as husband and wife in the matrimonial home and after the marriage she was subjected to harassment both physically and mentally and also demanded dowry by her husband and in-laws, namely, Musshaq Ahmed, Abeda Ahmed and Nazia Ahmed.

4. Mr. Laskar, 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, the I.O. has visited their house for investigation and told the applicants that they are not required to appear before him, and that the applicants are innocent and ready to cooperate 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 there is no indication in the case diary regarding appearance of the applicants before the I.O. However, Ms. Begum submits that the application may be disposed of.
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 being extended by the applicants with the investigating agency, custodial interrogation of the applicants seems not to be warranted here in this case, and therefore, 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**