

GAHC010042632024



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

Case No. : AB/558/2024

MUKTAR ALI
S/O- LATE ABDUL SABUR, R/O- VILL- POKALOGI, P.S. GOLAKGONJ, DIST.-
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP ASSAM

2:MONOWAR HUSSAIN
S/O- LATE MOZIBAR RAHMAN
R/O- H/NO. 13
BIRINA PATH
P.S. HATIGAON
DIST.- KAMRUP (M)
ASSAM
PIN- 78103

Advocate for the Petitioner : MR M Z SHAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 14-03-2024

Heard Mr. MZ Shah, learned counsel for the petitioner as well as Mr. DP

Goswami, learned APP for the State. Mr. S. Alim, learned counsel for the respondent no.2 is present.

2. The petitioner, namely, Muktar Ali who is apprehending arrest in connection with Hatigaon P.S. Case No. 10/2024 under section 354(A) IPC read with section 8 of the POCSO Act has filed this application under section 438 Cr.P.C., praying for pre-arrest bail.

3. It is submitted by the learned counsel for the petitioner that the accused no.1 shown in the FIR has already been granted bail and there is no allegation against the present petitioner in the FIR on account of the offence under the POCSO Act.

4. As per the FIR, the allegation against the present petitioner is that the petitioner with the direction of the main accused helped him to induce the daughter of the informant and tried to take her to Bangalore from their campus.

5. It is further submitted that as the main accused petitioner was released on bail, the present petitioner too be granted the benefit of pre-arrest bail. The learned counsel for the respondent no.2 has also no objection if the petitioner is released on bail. The learned APP has fairly submitted that under the facts and circumstances of the case, custodial interrogation of the petitioner is not required for the purpose of investigation of the case.

6. Considering the submission of the learned counsel for the parties, it is provided that in the event of arrest of the petitioners, named above, in connection with Hatigaon P.S. Case No. 10/2024, he shall be released on furnishing bail bond of Rs.10,000/- with a suitable surety of the like amount, to

the satisfaction of the arresting authority.

7. The direction for pre-arrest bail is subject to the conditions that the petitioner:

(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.

8. This application stands disposed of.

JUDGE

Comparing Assistant