

GAHC010047482024



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

Case No. : AB/578/2024

RAJIB ALI AND 3 ORS.
S/O RAHAM ALI
R/O GARIGAON RANGAMATI,
NEAR EIDGAH FIELD P.S. JALUKBARI, DIST. KAMRUP (M), ASSAM

2: SARIFUN NESSA
W/O RAHAM ALI
R/O GARIGAON RANGAMATI

NEAR EIDGAH FIELD P.S. JALUKBARI
DIST. KAMRUP (M)
ASSAM

3: BUBUL ALI
S/O LT. MOHIB ALI
R/O GARIGAON RANGAMATI

NEAR EIDGAH FIELD P.S. JALUKBARI
DIST. KAMRUP (M)
ASSAM

4: BOGI BEGUM @ BABITA BEGUM
W/O BUBUL ALI
R/O GARIGAON RANGAMATI

NEAR EIDGAH FIELD P.S. JALUKBARI
DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MD E AHMED

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

19.03.2024

Heard Ms. S.E. Ahmed, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned APP for the State respondent.

This is an application under Section 438 of the CrPC, 1973 seeking Anticipatory Bail of the petitioners i.e. 1) Rajib Ali 2) Safirun Nessa 3) Bubul Ali 4) Bogi Begum @ Babita Begum, who are apprehending arrest in connection with Jalukbari PS Case No. 98/2024 registered under Sections 342/365/366/34 of the IPC.

The case of the prosecution is that on 24.02.2024 while the informant's daughter went to Adabari from home, she went missing. Upon searching, the informant came to know that the accused had forcefully taken her away to an unknown place. Accordingly, a case was registered.

Ms. S.E. Ahmed, learned counsel for the petitioners submits that the petitioners are no way involved and they are falsely implicated in the offence alleged.

Mr. P. Borthakur, learned APP, Assam fairly and graciously submits that there are no adverse materials at this stage available against the petitioner in the Case Diary. He further submits that the victim's statement has been recorded under Section 164 of CrPC, wherein she has not implicated the petitioners for the offence alleged.

Considering the facts and circumstances of the case, it is provided that in the event of arrest, the petitioners named above, shall be released on pre-arrest bail in connection with the above noted case, on furnishing bail bond of Rs. 10,000/- each with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:-

i) That the petitioners shall appear before the Investigating Officer within 15 days, failing which on and from the 16th day, the interim-pre arrest bail order shall have no force;

ii) That the petitioners 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; and

iii) That the petitioners shall refrain from committing any similar offences in future of which they are accused or suspected of commission.

With the above observations and directions, the Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant