

GAHC010061952024



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

**Case No. : AB/786/2024**

MERAJ HUSSAIN  
S/O MAFFASSAL HUSSAIN, R/O JALUKBARI, ADIL SHAH GOLI, P.S.-  
JALUKBARI, GUWAHATI-14, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. A MANNAF**

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

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**23.04.2024**

Heard Mr. A. Mannaf, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-

arrest bail by the petitioner, namely, **Meraj Hussain**, in connection with **Jalukbari Police Station Case No. 122/2024**, registered under **Sections 120(B)/370A(2)/34 IPC** read with **Section 3 of Immoral Traffic Prevention Act, 1956** and added **Sections 370A(1)/109/376 IPC**.

It is submitted by the learned counsel for the petitioner that one FIR was lodged by one Hamidul Hoque on 06.03.2024 against one Saddam Hussain and Farida begum @ Bilkiss and the said FIR was registered as Jalukbari P.S. Case No.117/2024 under Section 120B/323/34/342/387/392/506 IPC. Learned counsel for the petitioner further submits that in the said case, the petitioner was arrested merely on suspicion because he rented his house to the other accused named in the FIR and thereafter, he was forwarded in jail custody on 07.03.2024. The petitioner was released on bail vide order dated 14.03.2024 passed by the learned Additional Chief Judicial magistrate, Kamrup(M), Guwahati. However, on 07.03.2024 another FIR i.e. Jalukbari Police Station Case No. 122/2024 under Sections 120(B)/ 370A(2)/ 34 IPC read with Section 3 of Immoral Traffic Prevention Act, 1956 and added Sections 370A(1)/109/376 IPC was lodged against him by one Manjul Doley, the Sub-Inspector of Police, Jalukbari. Learned counsel for the petitioner submits that the allegations labelled in the present FIR are completely concocted and merely out of suspicion. Learned counsel for the petitioner submits that there is no allegation

against the present petitioner regarding alleged offences under Section 370A(1) IPC or illegal trafficking. Learned counsel for the petitioner, accordingly, submits that the petitioner may be enlarged on pre-arrest bail.

On the other hand, learned Additional Public Prosecutor, Assam has produced the case diary and submits that the petitioner, who was arrested on 07.03.2024 in connection with Jalukbari P.S. Case No.117/2024 registered under Section 120B/323/34/342/387/392/506 IPC is a different case and not related to the present case. In the present case it has been alleged that the present petitioner was involved in conducting the illegal sex racket where the victims that is the sex workers were brought from different places and the accused used to take money as commission on daily basis from the sex workers. As such, learned Additional Public Prosecutor has strongly objected in granting bail to the petitioner.

I have considered the submissions of the learned counsel for the parties. I have also perused the case diary along with the statement of the victim recorded under Section 164 Cr.P.C.

It reveals that the petitioner was arrested in connection with Jalukbari P.S. Case No.117/2024 registered under Section 120B/323/34/342/387/392/506 IPC which was lodged on 06.03.2024 by the informant one Hamidul Hoque alleging that the informant therein was assaulted and extorted money. Subsequently, on

07.03.2024 another FIR was registered against the present petitioner i.e. Jalukbari P.S. Case No.122/2024 under Sections 120(B)/370A(2)/34 IPC read with Section 3 of Immoral Traffic Prevention Act, 1956 added Sections 370A(1)/109/376 IPC and the allegations in the 2 (two) FIRs are totally different from each other.

On perusal of the case diary, it reveals that the statement of the victim girl recorded under Section 164 Cr.P.C. wherein she has stated that the girls were brought by a person in the house of one Babu Ahmed and he used to ask them to do sex with several persons. Though in the statement recorded under Section 164 Cr.P.C., it has not been specifically stated the involvement of present petitioner or others as the brokers, who supply the victim girls from different places, however, from the statements of the other witnesses recorded in the case, it transpires that the petitioner is very much involved in the alleged case. In view of the materials so far collected, this Court is of the view that this is not a fit case to grant bail to the petitioner. Accordingly, the prayer of the petitioner is **rejected**.

The pre-arrest bail application stands disposed of accordingly.

Return the case diary.

**JUDGE**

**Comparing Assistant**