

GAHC010084152024



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

Case No. : AB/1116/2024

HAFIZUR RAHMAN AND 4 ORS.
S/O HOSSEN ALI
R/O VILL- TUSHPARA
P.O. GASHBARI, P.S. BILASIPARA
DIST. DHUBRI, ASSAM
PIN-788348

2: MINU KHATUN @ MINU BIBI
W/O HAFIZUR RAHMAN
R/O VILL- TUSHPARA
P.O. GASHBARI
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-788348

3: GIAS UDDIN SHEIKH @ GIAS UDDIN AHMED
S/O MOJIBOR RAHMAN
R/O VILL- BELGURI PART-II
P.S. AGOMONI
DIST. DHUBRI
ASSAM

4: SAPIYAR RAHMAN
S/O GIAS UDDIN
R/O VILL- BELGURI PART-II
P.S. AGOMONI
DIST. DHUBRI
ASSAM

5: SOPIYA BIBI @ MAILU BIBI
S/O GIAS UDDIN
R/O VILL- BELGURI PART-II
P.S. AGOMONI

DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR M J QUADIR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

16.05.2024

Heard Mr. A. Islam, learned counsel for the applicants and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Agomoni P.S. Case No. 05/2024**, under Sections 365/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants namely, **Hafizur Rahman; Minu Khatun @ Minu Bibi; Gias Uddin Sheikh @ Gias Uddin Ahmed; Sapiyar Rahman;** and **Sopiya Bibi @ Mailu Bibi** for grant of pre-arrest bail.

3. The said case has been registered on the basis of an FIR lodged by one Kasem Ali, on 20.01.2024. The essence of allegations made in the FIR is that on the night of 19.01.2024, at about 8/8:30 pm, one Manik @ Suel Rana, son of Hafijur Rahman, kidnapped his daughter, namely Smti 'X' (name withheld), aged 17 years, from his house.

4. Mr. Islam, learned counsel for the applicants submits that this Court

was pleased to grant interim protection to the applicants, vide order dated 01.05.2024, and pursuant to the said order, the applicants had appeared before the I.O. and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 01.05.2024, absolute in the same terms and conditions.

5. On the other hand, Mr. Gogoi, learned Additional Public Prosecutor by producing the case diary before this court, confirms that the applicants had appeared before the I.O. and cooperating with the investigating agency. However, Mr. Gogoi submits that the main accused is yet to be arrested and the victim girl is also yet to be recovered and that the investigation is going on and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. In view of the submissions of learned counsel for both the parties and also considering the fact that the applicants have been cooperating with the investigating agency, this Court is of the view that custodial interrogation of the applicants may not be unwarranted here in this case. And therefore, this Court is inclined to make the interim order dated **01.05.2024, absolute** in the same terms and condition.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

JUDGE

Comparing Assistant