

GAHC010091542024



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

Case No. : AB/1187/2024

NASIRUDDIN AHMED
S/O- LATE GAZI RAHMAN, R/O- NO. 2 BARUA PATHAR, P.O. BARUA
PATHAR, P.S. BOKO, DIST. KAMRUP, ASSAM-781136.

VERSUS

THE STATE OF ASSAM
REP. BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS M DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 28-05-2024

Heard Ms. S. Bhuyan, learned counsel for the petitioner Nasiruddin Ahmed.

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC for short) with a prayer for pre-arrest bail as he is apprehending arrest in connection with Dudhnoi Police Station Case No.

33/2024 under Sections 366 of the Indian Penal Code, 1860 (IPC for short)

3. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

4. The petitioner is the father of the prime accused who allegedly kidnapped the victim 'X'.

5. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary.

6. It is submitted on behalf of the petitioner that the victim had eloped with the petitioner's son on her own volition. The petitioner is an elderly person and he is willing to cooperate with investigation. The petitioner is not involved in this case and he is not guilty of offence under Section 366 of the IPC. The petitioner is wrongly booked under Section 366 of the IPC.

7. I have considered the submission at the bar that the petitioner is already on interim bail. The petitioner has pledged to cooperate with the remaining part of the investigation. The petitioner is a local resident and he is not a flight risk.

8. Considering all aspects and in view of my foregoing discussions, the interim order dated 06.05.2024 is hereby made absolute.

9. In the above terms and observation, this Anticipatory Bail application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant