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

Case No. : AB/1359/2024

MAHIDUL ISLAM @ MAHIDUL ALI
S/O ABDUL SAMED, VILL- NO. 1 SIALMARI, P.S.-DALGAON, DIST-
DARRANG, ASSAM, PIN-784116

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M AHMED
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 23.07.2024

Heard Mr. HRA Choudhury, learned senior counsel, assisted by Mr. AM Ahmed, learned counsel for the petitioner and Mr. B. Sarma, learned Addl. Public Prosecutor, Assam, appearing on behalf of the State respondent. Also heard Mr. Z. Alam, learned counsel for the informant/ victim.

Case diary is received and perused.

Heard both side.

This is an application under Section 438 of the Cr.P.C., seeking pre-arrest

bail by the petitioner namely **Mahidul Islam @ Mahidul Ali** in connection with Rowta P.S. Case No. 56/2024 under Sections 376/ 354C of the Indian Penal Code, 1860 read with Sections 66-E/ 67/ 67-A of the I.T. Act, 2000.

It is submitted by Mr. HRA Choudhury, the learned senior counsel for the petitioner that the petitioner is innocent and he is in no way connected the alleged offence and the victim is a widow and she is elder than the present petitioner. The statement of the FIR is not true and it is a false case leveled against the present petitioner. Although there was some relationship between the parties, custodial interrogation of the petitioner may not be necessary in this case. He further submitted that the petitioner is ready and willing to cooperate with the investigation, if he is released on pre-arrest bail.

In this context, Mr. B. Sarma, the learned Addl. Public Prosecutor has submitted that from the materials available in the case diary, it reveals that there was relationship between the parties and the victim is a consented party. However, from the statement of the witnesses, it reveals that some videos were made viral in the social media by another person and not by the present petitioner. So, considering the materials in the case diary, custodial interrogation may not be necessary.

On the other hand, Mr. Z. Alam, learned counsel for the informant/ victim submits that it is a serious allegation and the accused has made some photographs of the victim viral and the pre-arrest bail may not be granted to the petitioner at this stage.

Considering the submissions of the learned counsel for the parties and considering the entire aspects of the matter, more particularly, the materials available in the case diary this Court is of the view that granting of pre-arrest

bail to the petitioner will not adversely affect the investigation.

Accordingly it is provided that in the event of arrest of the petitioner in connection with the aforementioned case, he shall be released on pre-arrest bail on furnishing a bond of Rs. 20,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the following conditions that:-

1. the petitioner shall appear before the I.O. within 7 days from today from today.
2. the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
3. the petitioner 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/ her from disclosing such facts to the Court or any other police officer, and
4. the petitioner shall not hamper the investigation or temper with the evidence of the case.

With the above observations, the bail application is accordingly disposed of.

Return the case diary.

JUDGE

Comparing Assistant