

GAHC010106032024



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

Case No. : AB/1396/2024

SUKUR ALI AND ANR
S/O LT. SAJAHAN ALI, VILL- 3 NO. SALABILA, P.S.-MANIKPUR, DIST-
BONGAIGAON, ASSAM

2: KADER ALI
S/O LT. SAJAHAN ALI
VILL- 3 NO. SALABILA
P.S.-MANIKPUR
DIST- BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

12.06.2024

1. Heard learned counsel, Mr. M. Khan for the petitioners (i) Sukur Ali and (ii) Kader Ali.

- 2.** This application has been filed by the petitioners under Section 438 of the Cr.PC with prayer for pre-arrest bail as they are apprehending arrest in connection with Manikpur P.S. Case No. 69/2024 under Sections 420/376/493/370 of the IPC.
- 3.** Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.
- 4.** The allegation against the petitioners is that they sold the victim 'X' in Delhi.
- 5.** It is submitted on behalf of the petitioners that a false case has been initiated against both the petitioners.
- 6.** The victim went away with Sukur Ali on her own volition. It has been falsely alleged that she has been sold in Delhi. She used to work in Delhi.
- 7.** After she has returned from Delhi, she has slammed a false case against both the petitioners.
- 8.** I have considered the submissions at the Bar with circumspection.
- 9.** I have also scrutinized the Case Diary.
- 10.** It appears that investigation has progressed to a considerable extent.
- 11.** It also appears that custodial interrogation may not be required.
- 12.** It appears that anticipatory bail may be granted to the petitioners.

13. The petitioners have pledged to co-operate with the remaining part of the investigation. They are local residents and are not flight risks.

14. In view of my foregoing discussions, petition is allowed.

15. In the event of their arrest, the petitioners shall be enlarged on bail of Rs. 50,000/-(Rs. Fifty thousand) each with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that;

(i) the petitioners shall appear before the Investigating Officer within 1 (one) week and co-operate with the investigation;

(ii) the petitioners shall not exercise threats to the victim or go near the vicinity of the victim, and

(iii) the petitioners shall not leave the jurisdiction of the Court without prior permission.

On breach of any of the bail conditions, bail order shall stand cancelled.

JUDGE

Comparing Assistant