

GAHC010110512024



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

Case No. : AB/1462/2024

SHAHJAHAN ALI
S/O SAHAR ALI, VILL NO. 2 BHELENGIMARI, P.O.-BHANGNAMARI, P.S.-
BHANGNAMARI, DIST- NALBARI, ASSAM, PIN-781138

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A MOBARAQUE,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 03-09-2024

Heard Mr. A. Mobaraque, learned counsel for the petitioner. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam appearing for the State respondent.

The present application has been preferred by the petitioner namely, Shahjahan Ali, seeking pre-arrest bail in connection with Bhangnamari P.S. Case No.06/2024 under Sections 366/370/34 IPC (G.R. No.415/24).

I have heard the learned counsel for the parties and also perused the case diary.

The allegation in the FIR made by the complainant is to the extent that his daughter was taken to Rajasthan by the petitioner and other accused person for the purpose of selling her there.

It is submitted that in pursuance to lodging of the said FIR, the victim girl has been recovered by the police and her statement under Section 164 Cr.P.C. has also been recovered.

It is seen that the petitioner herein has introduced the victim to the persons who had actually taken her to Rajasthan for allegedly selling her there.

In view of the above position and also the fact that the victim girl has been so recovered and her statement under Section 164 Cr.P.C. has been recorded, this Court is of the view that the petitioner is entitled to be enlarged on pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner named above, he shall be released on bail on furnishing a bail bond of Rs.30,000/- (Rupees thirty thousand) with two local sureties of the like amount to the satisfaction of the Arresting Authority subject to the following conditions:-

- (i) that the petitioner shall appear before the Investigating Officer of the case within a period of 7 (seven) days from today;
- (ii) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case; and
- (iii) that 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 from disclosing such facts to the Court or to the Investigating Officer or tamper with the evidence of the case.

With the above observation and direction, the Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant