

GAHC010112592024



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

Case No. : AB/1486/2024

BULAL SK @ RAHUL
S/O AIYO SK @ AYOR HUSSAIN, R/O VILL- BHURAKATA, P.O.-
RADHAMADHABHAT, P.S.-MANKACHAR, DIST-SOUTH SALMARA
MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 17.07.2024

- 1.** Heard Mr. S. Rahman, learned counsel for the petitioner. Also heard learned Additional Public Prosecutor for the State respondent.
- 2.** This application has been preferred under Section 438 of Code of Criminal Procedure, 1973, by the petitioner, namely, Bulal SK @ Rahul who is apprehending his arrest in connection with Mankachar P. S. Case No. 111/2024 registered under

Sections 341/294/325/354/509/506/34 of Indian Penal Code.

3. The gist of the accusation in this case that on 11.05.2024 one Salma Yasmin had lodged an FIR before the Officer-in-charge of Kalapani Police Out Post under Mankachar Police Station, *inter-alia*, alleging that on 08.05.2024, at about 3.30 p.m., the petitioner gave indecent proposals to the victim/informant and thereafter, he held her hand and dragged her towards his house. At this time, the grandmother of the informant, Nurima Begum, came forward to rescue the informant and the petitioner along with three other accused persons named in the FIR, including the wife of the petitioner, had assaulted the informant and her grandmother, causing serious injuries on their persons.

4. Learned counsel for the petitioner has submitted that in the meanwhile, the other three co-accused persons have already been granted anticipatory bail by a Coordinate Bench of this Court.

5. It is also submitted that the false accusation has been made against the present petitioner in the FIR. He also submits that the FIR has been lodged after a delay of three days, without any explanation for the delay caused.

6. It is also submitted by learned counsel for the petitioner that the petitioner would cooperate in the investigation and as other co-accused are already granted bail and they have cooperated in the investigation, his custodial detention may not be necessary.

7. On the other hand, learned Additional Public Prosecutor has produced the case diary of Mankachar P. S. Case No. 111/2024 and has submitted that as the allegation against the petitioner is of serious nature, he opposes the grant of bail to the present petitioner. However, he submits that the statements of other co-accused are already recorded under Section 161 of the Code of Criminal Procedure, 1973.

8. I have considered the submissions made by learned counsel for the petitioner as well as learned Additional Public Prosecutor and have perused the materials on record including the case diary of Mankachar P. S. Case No. 111/2024.

9. As there is a delay of three days in lodging the FIR without any explanation in the FIR and as the other co-accused persons, which includes the wife of the present petitioner also who were already granted anticipatory bail by a Coordinate Bench of this Court have cooperated in the investigation. This Court is of the considered opinion that if the petitioner cooperates with the Investigating Officer, his custodial investigation may not be necessary for fair completion of the investigation in the above mentioned case.

10. Hence, the petitioner, namely, Bulal SK @ Rahul is hereby directed to appear before the Investigating Officer of Mankachar P. S. Case No. 111/2024 within a period of 10 days from the date of this order and co-operate with the Investigating Officer in fair completion of investigation. If he does so within the said period, in the event of his arrest in connection with Mankachar P. S. Case No. 111/2024, he shall be allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the arresting authority subject to the following conditions:

i. That the petitioner shall co-operate in the investigation.

ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

11. With above observation of this anticipatory bail application is hereby disposed of.

12. Send back the case diary.

JUDGE

Comparing Assistant