

GAHC010117452023



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

Case No. : AB/1902/2023

MD ARIFUL ALI AND 5 ORS
S/O AMIR ALI
R/O SORAIMARI MAJGAON
P.S. CHHAYGAON
DIST. KAMRUP, ASSAM

2: ASHRAFUL ALI
S/O AMIR ALI
R/O SORAIMARI MAJGAON
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

3: RULIA BEGUM
D/O AMIR ALI
R/O SORAIMARI MAJGAON
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

4: AMIR ALI
S/O JAVED ALI
R/O SORAIMARI MAJGAON
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

5: AKIRON BIBI
W/O AMIR ALI
R/O SORAIMARI MAJGAON
P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

6: KODDUS ALI
S/O ABDUL ALI
R/O SORAIMARI MAJGAON
P.S. CHHAYGAON
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 04-01-2024

Heard Mr. S. M. Abdullah P, learned counsel for the applicants and also heard Mr. R. J. Barua, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Chhaygaon P.S. Case No.87/2023, under Sections 306/34 IPC, this application under Section 438 Cr. P. C. is preferred by six applicants, namely, 1. Md. Ariful Ali, 2. Ashraful Ali, 3. Rulia Begum, 4. Amir Ali, 5. Akiron Bibi, 6. Koddus Ali for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Atowar Rahman on 18.2.2023.

The essence of allegation made in the FIR dated 18.2.2023, is that on 4.2.2023 at about 10 AM in the morning the daughter of the informant, namely, Smti.'X' (name withheld) aged 16 years was kidnapped by Md. Ariful Haque and kept her confine in the house of Kuddus Ali, with a view to marry her against her will and also he had committed sexual intercourse with her against her will. Thereafter, his daughter

returned home and then Ashraful Ali, Pulia Begum, Amir Ali and Akiron Bibi threatened her that after coming out of the jail Ariful Haque will again kidnap her and then being left with no other option, his daughter committed suicide.

Learned counsel for the applicants submits that this Court was pleased to extend the privilege of interim pre-arrest bail to the applicants, vide order dated 09.06.2023, and pursuant to said order, the applicants have appeared before the I.O, and they have been extending cooperation with the investigating agency and that they were no way involved with the offence alleged in the FIR and therefore, the learned counsel for the applicants contended to make the interim order, dated 09.06.2023, absolute, in the same terms and condition.

Whereas, Mr. R.J. Barua, learned Addl. P.P. has produced the case diary before this Court and submits that there was affairs between the victim and Ariful Ali and that the family members of the victim have not approved the same and lodged one FIR against Ariful Ali upon which Chhaygaon P.S. Case No.71/2023 has been registered and Ariful Ali was arrested and forwarded him to the Court and thereafter, the victim girl returned to her parental home and there she committed suicide.

Having heard the submission of learned Advocates of both sides, I have carefully perused the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P.

The case diary indicates that during the course of the investigation the I.O. has seized one suicide note of the victim, wherein she stated that she had committed suicide at her own will and that the boy is innocent and the said suicide note was forwarded to FSL, Kahilipara and the report of FSL indicates that the suicide note was written by the victim.

It also appears that the I.O. has achieved substantial progress in the investigation of the case and material part of the investigation is almost over.

Since the material part of the investigation is almost over and since the applicants have appeared before the I.O. and they have been cooperating with the investigating

agency, their further custodial interrogation seems to be not warranted, in the interest of investigation. Accordingly, interim order dated 09.06.2023, is hereby made absolute on the same terms and condition.

In terms of the above this A.B stands disposed of.

Case diary be returned.

JUDGE

JUDGE

Comparing Assistant