

GAHC010145942024



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

Case No. : AB/1892/2024

AI SHAHID AHMED @ AI SAYEED AHMED @ RAHUL AND 3 ORS.
S/O SONA UDDIN AHMED
R/O VILL- BHALUKDUBI, PRAGATI NAGAR, P.S. GOALPARA, DIST.
GOALPARA, ASSAM

2: SONA UDDIN AHMED
S/O LT.KHUDI SK.
R/O VILL- BHALUKDUBI
PRAGATI NAGAR
P.S. GOALPARA
DIST. GOALPARA
ASSAM

3: SABINA YASMIN
W/O SONA UDDIN AHMED
R/O VILL- BHALUKDUBI
PRAGATI NAGAR
P.S. GOALPARA
DIST. GOALPARA
ASSAM

4: SHORIFA ZAMAN @ SHARIFA AKTAR AHMED
D/O SONA UDDIN AHMED
W/O MUSTAFA MANIRUZ ZAMAN
R/O LALMATI
GANDHIBASTI
SARANIA HILLS
P.S. CHANDMARI

GUWAHATI-781003
KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA, MR A BASUMATARY,MR N AHMED

Advocate for the Respondent : PP, ASSAM, MS. A KAUSHAR(INFORMANT),MR S ISLAM(INFORMANT),MR. A CHOUDHURY(INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 12.09.2024

- 1.** Heard Mr. N. J. Dutta, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State and Mr. S. Islam, learned counsel appearing for the informant.
- 2.** This application under Section 482 of BNSS, 2023 has been filed by the petitioners, namely, *1. Al Shahid Ahmed @ Al Sayeed Ahmed @ Rahul, 2. Sona Uddin Ahmed, 3. Sabina Yasmin, and 4. Shorifa Zaman @ Sharifa Aktar Ahmed* apprehending their arrest in connection with Goalpara P.S. Case No. 94/2024 under Sections 420/ 376/ 384/ 354/ 323/ 34 of the Indian Penal Code.
- 3.** The gist of accusation in this case is that on 12.07.2024, the father of the victim girl have lodged an FIR, naming five numbers of the accused therein, including the present petitioners, *inter alia*, alleging that the petitioner No. 1, namely, *Al Shahid Ahmed @ Al Sayeed Ahmed @ Rahul* has, on 27.06.2024 subjected the daughter of the informant to forceful sexual intercourse and also blackmail her to make viral certain photographs with the accused No. 1. It is also alleged in the FIR that on 12.07.2024, the other petitioners have assaulted

the victim girl when she was called over telephone to the residence of accused No. 1 by the accused No. 1 himself.

4. The learned counsel for the petitioners has submitted that the petitioner Nos. 2, 3 and 4 were granted interim anticipatory bail by this Court on 24.07.2024. It is also submitted that in pursuant to the directions of this Court, the petitioner Nos. 2, 3 and 4 appeared before the Investigating Officer of Goalpara P.S. Case No. 94/2024 and have cooperated in the investigation.

5. The learned counsel for the petitioners has also submitted that the petitioner No. 1 is having a love affair with the victim girl and the father of the victim girl was intending to forcefully marry her to the petitioner No. 1 as a result of which false FIR has been lodged against the petitioner No. 1. He submits that the petitioner No. 1 is also ready to cooperate in the investigation.

6. On the other hand, Mr. P. Borthakur, learned Additional Public Prosecutor as well as Mr. S. Islam, learned counsel appearing for the informant have vehemently opposed the grant of anticipatory bail to the accused No. 1.

7. The Additional Public Prosecutor has submitted that though the other accused persons have appeared before the Investigating Officer and their statements were recorded, however, there is sufficient evidence against the petitioner No. 1 which does not justify grant of anticipatory bail to him at this stage.

8. I have considered the submissions made by the learned counsel for both the sides and have perused the materials available on record including the case diary of Goalpara P.S. Case No. 94/2024

9. It appears that the petitioner Nos. 2, 3 and 4 have appeared before the Investigating Officer in pursuant to the directions of this Court and have

cooperated in the investigation. Therefore, the interim bail granted to petitioner Nos. 2, 3 and 4 by order dated 24.07.2024 by this Court is hereby made absolute with condition Nos. 2 and 3 attached to the said order remaining intact.

10. However, as regards petitioner No. 1 is concerned, there is sufficient incriminating material against him in the case diary, this Court is of considered opinion that this is not a fit case where a favourable order under Section 482 of the BNSS may be granted in his favour. Therefore, prayer for grant of anticipatory bail to the petitioner No. 1 is hereby rejected.

11. Accordingly, this anticipatory bail application is disposed of.

12. Send back the case diary.

JUDGE

Comparing Assistant