GAHC010156982024

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

**Case No. : AB/2045/2024**

SURAJ ALI ALIAS SURAJ ALI
S/O MONJUR ALI
VILL- GAROIMARI
P.S. ULUNI
PIN NO. 782120
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REP BY THE PP, ASSAM

2:MONUWARA BEGUM
W/O NUR JAMAL
VILL- 1 NO. BHATIYAKHALI
P.S. RUPOHIHAT
DIST. NAGAON
ASSA

**Advocate for the Petitioner** : MS. G BORAH,

**Advocate for the Respondent** : PP, ASSAM, MRS. S KHATANIAR (LEGAL AID COUNSEL FOR R-2),H M I HOQUE(R-2)

**BEFORE**
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 29.08. 2024**

1. Heard Ms. G. Borah, learned counsel for the petitioners, Suruj Ali @ Suraj Ali, who has field A.B. No. 2045/2024 under Section 482 of BNSS, 2023, with

prayer for pre-arrest bail in connection with Rupahihat P. S. Case No. 187/2024 under Sections 363/ 376/ 313/ 294/ 506 IPC, read with Section 6 of the POCSO Act and the petitioners, Akbar Ali, Md. Chiraj Ali and Turab Ali, who have filed AB No. 2046/2024 with prayer for pre- arrest bail in connection with Rupahihat P.S. Case No. 187/2024 under Sections 363/ 376/ 313/ 294/ 506 IPC read with Section 6 of the POCSO Act.

2. Also heard Mr. B.B. Gogoi , learned Addl. Public Prosecutor for the State respondent No. 1 in both the anticipatory bail applications as well as Ms. Ms. S. Khataniar, learned legal aid counsel and Mr. H.M. I Hoque, learned legal counsel for the respondent No. 2 in both the pre-arrest bail applications.

3. The breif facts of the case is that a complaint petition was filed against the petitioners contending inter alia that the victim had a love relationship with accused No. 1 and the accused No. 1 induced the victim to have physical relationship with him with false promises of marriage and the accused No. 1 impregnated the victim and he administered contraceptive tablets secretly and got her foetus aborted. Thereafter the accused No. 1 exercised threats to the victim not to divulge about the incident. On 18.06.2024, taking the advantage of absence of the other family members of the victim, the accused No. 1 took her to his house and committed sexual assault on the minor victim again and when the complainant recovered her, the accused/ petitioners threatened the complainant with dire consequence. The complainant is the mother of the victim and the petitioners threatened her too and her minor daughter with obscene language. They also threatened to up-load the obscene photographs and pictures of the victim in the social media and through the electronic media. They also threatened to eliminate the victim.

4. Case diary as called for is received and perused. I have considered the

submissions at the bar with circumspection.

5. It is submitted by the learned counsel for the petitioners that a false case has been registered against the petitioners. However, the I.O. has arrested the prime accused i.e. the accused No. 1. It is also submitted on behalf of the petitioners that a bare perusal of the complaint lodged against the petitioners clearly reveals that a false case has been lodged against them. It is further submitted that accused/petitioner Suruj Ali @ Suraj Ali is a contractual employee under Assam Police and if he is apprehended, he may be terminated from service. It is also submitted that the petitioners Akbar Ali, Md. Chiraj Ali and Turab Ali are the uncles of the accused No. 1 and they have been falsely implicated in connection with this case.

6. I have scrutinized the case diary.

7. The learned Addl. P.P. has raised objection against the prayer of bail on the ground that there are incriminating materials against the petitioners in the case diary.

8. It appears that custodial interrogation may not be necessary for further investigation. The petitioners are willing to cooperate with the investigation. Investigation has progressed to a considerable extent. The statement of the victim under Section 164 Cr.P.C. has been recorded. The petitioners are local residents and are not flight risk. The petitioners are willing not to go near the vicinity of the victim and the informant.

9. In view of my foregoing discussions, bail petition is allowed. Accordingly, it is directed that in the event of arrest of the petitioners named above they shall be enlarged on pre-arrest bail on furnishing a bond of Rs.

50,000/- each with a suitable surety of like amount to the satisfaction of the arresting authority in connection with the aforesaid case under the following conditions that:-

(i) the petitioners shall appear before the I.O. within 1 (one) week from today.

(ii) The petitioners shall refrain from such activities with which they are alleged,

(iii) the petitioners shall cooperate with the remaining part of investigation and shall not go near the vicinity of the victim and exercise threats,

(iv) the petitioners shall not hamper with the investigation or tamper with the evidence of the case.;

(v) The petitioners shall not leave the jurisdiction of the court without prior permission.

10. On breach of any of the bail conditions, pre-arrest bail order shall stand automatically cancelled.

11. The bail application is disposed of.

12. Send back the case diary.

**JUDGE**

**Comparing Assistant**