

GAHC010158792024



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

Case No. : AB/2066/2024

AMZAD HUSSAIN
S/O- BILLAL HUSSAIN, R/O- VILL.- EARAKOPILI, NEAR RABINDRA VIDYA
MANDIR HIGH SCHOOL, P.O. AND P.S. JAMUNAMUKH, DIST. HOJAI,
ASSAM, PIN- 782428.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. D P BORAH, MR B PAUL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28-10-2024

Heard Mr. D P Borah, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. Apprehending his arrest, the petitioner, namely, **Amzad Hussain**, son of Billal Hussain, resident of village – Earakopili, Jamunamukh Police Station of District – Hojai has filed this application under Section 482 of the BNSS, 2023, praying for his pre-arrest bail in Jamunamukh Police Station Case No. 21/2024 registered under Section 137(2) of the BNS,2023.

- 3.** Perused the case diary as well as the medical report of the victim dated 17.07.2024, placed before the Court today by Mr. B Sarma, learned APP, Assam.
- 4.** As per the FIR of the case dated 15.07.2024 lodged by the informant/mother of the victim girl before the Jamunamukh Police Station is that her minor daughter aged about 14 years, while sleeping with her on the night of 07.07.2024, was found missing in the same night since 4 AM. Though the family members searched for her, but failed to trace her for the last few days. As such, the FIR was accordingly lodged on 15.07.2024, which was registered as Jamunamukh P.S. Case 21/2024.
- 5.** Case Diary reveals that the victim was recovered from Dhubri while she was with a lady.
- 6.** From perusal of the statement of the victim recorded by the police under Section 181 of the BNSS and under Section 183 of the BNSS by the learned Judicial Magistrate First Class, Hojai on 18.07.2024, it appears that the minor victim eloped with the petitioner with whom she had acquaintance for some time and proceeded with him towards Mumbai in a train. However, at Guwahati Railway Station she was dropped by the petitioner and was asked to wait so that he could fetch her some food, but he did not return.
- 7.** On meeting a woman at Guwahati Railway Station who is from dhubri the victim went with the said lady to Dhubri from where the victim was subsequently recovered as she had contacted her family members from the house of the said lady at Dhubri.
- 8.** Pursuant to the interim bail granted to the petitioner by order dated 08.08.2024, it is seen from the case diary that the petitioner appeared before the concerned Investigating Officer of the case on 10.08.2024 and his statement was recorded by the concerned I.O. of the case.
- 9.** Considering the above, this Court is of the opinion that custodial detention of the petitioner is not warranted to investigate said Jamunamukh P.S. Case 21/2024.
- 10.** Accordingly, interim bail granted to the petitioner, named above, in said Jamunamukh P.S. Case 21/2024 by order dated 08.08.2024 passed earlier in the present proceeding is hereby made absolute, subject to the compliance of the terms and conditions as specified in the order dated 08.08.2024 and on compliance of the following conditions that the petitioner – (i) shall appear before the concerned I.O. of the case as and when he is required for necessary investigation of said Jamunamukh P.S. Case 21/2024; (ii) shall not hamper with the investigation, or tamper with the evidence of the case; (iii) shall not, directly or indirectly, make any inducement, threat or

promise to the victim, her family member or to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer and (iv) shall not involve himself in any criminal activities.

11. Any violation of the aforementioned terms and conditions as well as the terms and conditions as specified in the order dated 08.08.2024, noted above, the pre-arrest bail granted to the petitioner in said Jamunamukh P.S. Case 21/2024 shall stand automatically vacated.

12. This pre-arrest bail application accordingly stands disposed of.

13. Return the case diary.

JUDGE

Comparing Assistant