

GAHC010170452024



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

Case No. : AB/2233/2024

ABU BOKKAR SIDDIQUE @ BAKKAR MASTER AND 2 ORS
S/O AJMAUD MONDAL,
VILL- KAIMARI PT.5, P.O. KAIMARI, P.S. GOLAKGANJ, DIST. DHUBRI,
ASSAM, PIN-783335.

2: SANJU ALI
S/O NABA ALI
VILL- KAIMARI PT.V
P.O. KAIMARI
DIST. DHUBRI
ASSAM
PIN-783335

3: SAMSUL HAQUE MANDAL @ SHAMU SHEIKH
S/O KHEJMAT ALI
VILL- KAIMARI PT. I
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM

PIN-78333

VERSUS

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

2:HABIJUL ALI
S/O ANSAR ALI
VILL- KAIMARI PT.V

P.S. GOLAKGANJ

DIST. DHUBRI

ASSAM
PIN- 78335
PH. 995750448

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR

Advocate for the Respondent : PP, ASSAM, MD K RAHMAN (R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

23.09.2024

Heard Mr. M. Khan, learned counsel for the petitioners namely, i) Abu Bokkar Siddique, ii) Sanju Ali, iii) Samsul Haque Mandal.

2. The petitioners have filed this application under Section 482 of the BNSS, 2023 with prayer for pre-arrest bail as they are apprehending arrest in connection with Golakganj Police Station Case No. 152/2024 under Section 109/376/506/34 IPC.

3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State and Mr. A. Rahman, learned counsel for the respondent No. 2.

3. The FIR unfolds that on 12.06.2024, at about 9.30 p.m., the victim was confronted by the informant. She informed him that Sobera Bewa had called her to her residence at 9 p.m., and started chatting with her. During this time, Labu Sk arrived, and Sobera Bewa went to another room. Labu Sk then closed the

door and forcefully committed sexual assault on the victim, who is informant's sister. The present petitioners assured the informant that action would be taken, but no action was taken against the offence. When the informant was contemplating lodging the FIR, Sobera Bewa threatened him with consequences.

4. The learned counsel for the respondent No. 2 argued that the petitioners have been threatening the informant regarding the FIR lodged against them. The learned counsel for the petitioners have submitted that the petitioners have not committed any offence under Section 109/376 of the IPC nor any offence under Section 506 of the IPC has been made up against them. No offence under Section 4/18 of the POSCO Act has been made out against them. The petitioners are willing to cooperate with the investigation.

5. I have considered the submissions at the Bar. I have also scrutinized the Case Diary. It appears that pre-arrest bail may be granted to the petitioners.

6. Considering all aspects, petition is allowed. The petitioners shall be enlarged on bail of Rs. 50,000/- (Rupees Fifty Thousand) each with a suitable surety of like amount to the satisfaction of the arresting authority, under the conditions that:

(i) The petitioners shall appear before the

Investigating Officer within 1 (One) week and co-operate with the investigation,

(ii) The petitioners shall not exercise threats to the witnesses, or try to influence them, and

(iii) The petitioners shall not leave the jurisdiction of the jurisdictional Court without prior permission.

On breach of any of the bail conditions, bail order shall automatically stand cancelled.

Send back the Case Diary.

JUDGE -

Comparing Assistant