

GAHC010171042024



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

Case No. : AB/2247/2024

ABU SHAMA @ ABU SHAMA ALI AND ANR
S/O LATE SHAJAHAN ALI
R/O VILL- HARIRCHA PART-I
P.O. MADRASAPARA
P.S. MERERCHAR
DIST. BONGAIGAON, ASSAM

2: RUPBAN KHATUN @ RUPBANU KHATUN
W/O ABU SHAMA @ ABU SHAMA ALI
R/O VILL- HARIRCHA PART-I
P.O. MADRASAPARA
P.S. MERERCHAR
DIST. BONGAIGAON
ASSA

VERSUS

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

2: MOMTAJ KHATUN
W/O JAYNAL ABDIN

VILL- BAGULAMARI
P.O. LANGLA

P.S. KALGACHIA
DIST. BARPETA
ASSA

Advocate for the Petitioner : MR A K AZAD, MR. I HUSSAIN, MR N JAMAL

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 18.09.2024

Heard Mr. A.K. Azad, learned counsel for the petitioners and Mr. P. Borthakur, learned Addl. Public Prosecutor for the State respondent No. 1.

This is an application under Section 482 of BNSS, 2023, filed by the petitioners, namely (1) Abu Shama @ Abu Shama Ali and (2) Rupban Khatun @ Rupbanu Khatun, praying for pre-arrest bail who are apprehending arrest in connection with Kalgachia P.S. Case No. 96/2024 under Sections 87/ 65(1)/ 115(2) of BNS, 2023 read with Section 6 of the POCSO Act.

The case diary is received and perused.

The learned counsel for the petitioners has submitted that the main allegation is against the accused No. 1 who is the son of both the present petitioners. The allegation against him is regarding committing of rape on victim girl and the only allegation against the petitioner No. 2 is that she assaulted the victim. In view of the above, being the parents of the accused No. 1, the pre-arrest bail may be granted to the present petitioners.

On the other hand, the learned Addl. PP has produced the case diary alongwith the statement of the victim recorded under Section 164 of Cr. P.C. and submitted that the victim has not implicated the petitioners.

I have scrutinized the case diary.

Considering the submission of the learned counsel for the parties and the matter in its entirety, it is directed that in the event of arrest of the petitioners above named in connection with the aforesaid case, they shall be released on pre-arrest bail on furnishing a bond of Rs. 10,000/- each with a suitable surety each of like amount to the satisfaction of the arresting authority subject to the following conditions that:-

1. the petitioners shall appear before the I.O. within 10 days from today.
2. the petitioners shall make themselves available for interrogation by the

Investigating Officer as and when required;

3. the petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any other police officer, and
4. the petitioners shall not hamper with the investigation or temper with the evidence of the case.

The bail application is disposed of.

Return the case diary.

JUDGE

Comparing Assistant