

GAHC010179422024



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

Case No. : AB/2332/2024

RABBANI ALI @ RABBANI SK AND 2 ORS
S/O NUR ISLAM

2: TANOWAR ALI @ TANOWAR SK
S/O NUR ISLAM

3: MD KHALIL SK @ KHALIL SHEIKH
S/O LT. TOMSER ALI
ALL ARE R/O VILL- PECHARKANDI
P.S. MANKACHAR
DIST. SOUTH MANKACHAR
ASSAM
PIN-78313

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER, MR. A Z AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 12.09.2024

1. Heard Mr. A. Z. Ahmed, learned counsel for the petitioners. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State.

2. This application under Section 482 of BNSS, 2023 has been filed by the petitioners, namely, *Rabbani Ali @ Rabbani Sk, 2. Tanowar Ali @ Tanowar Sk and 3. Md. Khalil Sk @ Khalil Sheikh* apprehending their arrest in connection with Mankachar P.S. Case No.149/2024 under Sections 61(2)(a)/103(1) BNS, 2023.

3. The gist of accusation in this case is that one Abdul Rezzak had lodged an FIR before the Officer-in-charge of Mankachar Police Station, *inter alia*, alleging that on 05.07.2024, the 4½ years old daughter of the informant went missing and could not be traced. However, on the next day at about 7 a.m., the dead body of the daughter of the first informant was found floating in a pond. It is also stated in the FIR that the accused No. 1 named in the F.I.R., namely, Shahinur Islam was seen with the daughter of the informant before the incident. It is also alleged that the other accused persons named in the FIR including the present petitioners have also role in the death of the daughter of the informant.

4. The learned counsel for the petitioners has submitted that the allegations levelled against the petitioners in the FIR are not true. He also submits that the victim was seen with the accused No. 1 named in the FIR and no specific allegations are levelled against the present petitioners. The learned counsel for the petitioners also submits that the petitioners are apprehending their arrest in connection with the case as the police is searching for them.

5. On the other hand, learned Additional Public Prosecutor has produced the case diary of Mankachar P.S. Case No. 149/2024 and has submitted that during investigation, it came to the light that the accused No. 1 named in the FIR had committed rape on the victim and had thrown her into the pond. She also submits that as on date, no incriminating materials against the present

petitioners have been found in this case and, therefore, she submits that there is no apprehension of the petitioners getting arrested.

6. I have considered the submissions made by the learned counsel for both the sides and have perused the materials available on record.

7. On perusal of the case diary, it appears that there are sufficient materials against the co-accused No. 1, namely, Shahinur Islam in the case diary, however, nothing is there against the present petitioners in the case diary. Still, as the investigation is not yet completed, it is hereby directed that in the event of arrest of the petitioners in connection with Mankachar P.S. Case No.149/2024, they shall be allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) each with one surety of like amount subject to the satisfaction of the arrest authority with following conditions:-

- i. The petitioners shall co-operate in the trial.
- ii. The petitioners shall not directly or indirectly make any inducement, threat or promise to any person or persons who may be acquainted with the facts of this case so as to dissuade such persons from disclosing such facts before Investigating Officer.

8. With the above observation, this anticipatory bail application is hereby disposed of.

9. Send back the case diary.

JUDGE

Comparing Assistant