

GAHC010181892024



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

Case No. : AB/2360/2024

JELHOQUE ALI MOLLAH @ JEL HOQUE AND ANR
S/O NAYAL ALI MOLLAH
@ NAYAN MOLLAH
R/O ALOMGANJ PART-VIII
P.S. GAURIPUR
DIST. DHUBRI, ASSAM

2: ABDUL MALEK @ MALEK HUSSAIN
S/O ABU SHAMA
R/O ALOMGANJ PART-VII
P.S. GAURIPUR
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR. S RANA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 26.09.2024

Heard Mr. S. Munir, learned counsel for the petitioners. Also heard Mr. D.P. Goswami,

learned Additional Public Prosecutor for the State.

2. By this petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners, namely, **Jelhoque Ali Mollah @ Jel Hoque and Abdul Malek @ Malek Hussain**, have prayed for granting pre-arrest bail, apprehending arrest in connection with Gauripur P.S. Case No. 167/2024 under Section 3/4/5/7 of Immoral Traffic (Prevention) Act, 1956.

3. It is submitted by the learned counsel for the petitioners that the allegation levelled against the petitioner No. 1 is totally false and fabricated. On the date of the incident, petitioner No. 2 visited the Panbari Masjid to offer prayers, and after hearing a commotion, he went to the place for which his name is mentioned in the FIR. Considering the background of the case and the nature of the offence, benefit of pre-arrest bail may be extended to the petitioners.

4. On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State has vehemently objected to the prayer of the petitioners by stating that the petitioners are very much involved in the alleged offence and there is sufficient incriminating materials found in the case diary against the petitioners. Considering the nature of the offence, custodial interrogation of the petitioners is required.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

6. It appears that house of the petitioner No. 1 is located near Panbari Masjid, where he has been conducting illegal business of flesh trade of women for a long time. When neighbors raised objection about these activities, both petitioners allegedly threatened them with dire consequences. It also appears that the petitioner No. 2 along with others used to supply girls and customers in the house of the petitioner No. 1. The investigation is still under progress. Considering the fact as well as background of the case, this Court is not inclined to grant bail to the petitioners at

this stage of investigation. Hence, prayer for bail is rejected.

7. The pre-arrest bail application stands disposed of accordingly.

8 . Return the case diary.

JUDGE

Comparing Assistant