

GAHC010182362024



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

Case No. : AB/2390/2024

JUBBAR ALI AND 5 ORS
S/O LT. HAKIMUDDIN @ HAKKU ALI
VILL- BANGALPARA
P.O. BHELKARBAZAR
P.S. HAJO
DIST. KAMRUP (R), ASSAM
PIN-781102

2: DILDAR HUSSAIN @ EBADUL ALI
S/O JUBBAR ALI
VILL- BANGALPARA
P.O. BHELKARBAZAR
P.S. HAJO
DIST. KAMRUP (R)
ASSAM
PIN-781102

3: RASHMINA PARBIN @ RASHMINA
W/O DILDAR HUSSAIN
VILL- BANGALPARA
P.O. BHELKARBAZAR
P.S. HAJO
DIST. KAMRUP (R)
ASSAM
PIN-781102

4: ASHIK INJAMAMUL @ ASHIK HUSSAIN BULBUL
S/O AKHTAR HUSSAIN
VILL- BANGALPARA
P.O. BHELKARBAZAR
P.S. HAJO
DIST. KAMRUP (R)
ASSAM
PIN-781102

5: MAINUL HOQUE @ MAINUL ALI
S/O NACHER ALI
VILL- BANGALPARA
P.O. BHELKARBAZAR
P.S. HAJO
DIST. KAMRUP (R)
ASSAM
PIN-781102

6: SAIFUL ISLAM @ SAIFUL ALI
S/O JAHAR ALI
VILL- BANGALPARA
P.O. BHELKARBAZAR
P.S. HAJO
DIST. KAMRUP (R)
ASSAM
PIN-781110

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR A.K. MOLLAH,MR. M
HUSSAIN,MR. R I MONDAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 22.10.2024

Heard Mr.HRA Choudhury, learned Senior Counsel assisted by Mr. M. Hussain, learned counsel appearing for the petitioners and Mr. R.J. Baruah, learned Additional Public Prosecutor appearing for the state of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail in respect of Hajo P.S. Case No. 272/2024.

3. The present petitioners are parents and relatives of a person called Shahid Nazir. Shahid Nazir was having a relationship with a girl called Lilima Khatun. It is alleged by Lilima Khatun that she was made pregnant by Shahid Nazir and Shahid Nazir had aborted her pregnancy. The girl has alleged that Shahid Nazir did so because he did not want to marry her.

4. The victim girl has stated in her statement recorded u/s 164 of the Cr.P.C. that on 13.12.2023, the victim girl was admitted in a hospital, where she came to know that her pregnancy was aborted. On the other hand, the Superintendent of the said hospital has filed a report stating that the victim girl was never admitted in the hospital on that day.

5. After perusal of the case diary, this Court is of the opinion that since the present petitioners have appeared before the Investigating Officer and have co-operated with the investigation, they do not deserve to be detained in custody. Under the given circumstances of the case, the bail application of the petitioners is allowed.

6. The interim bail granted in favour of the petitioners on 10.09.2024 is hereby made absolute.

7. With the aforesaid direction, the bail application stands disposed of.

The CD shall be returned.

JUDGE

Comparing Assistant