

GAHC010184362024



2024:GAU-AS:10079

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

Case No. : AB/2388/2024

RAHAM ALI AND ANR
S/O KUDDUS ALI
R/O VILL- ALURBHUI,
P.O. SILGARA, P.S. AND DIST. KOKRAJHAR (BTR), ASSAM

2: HASSINA BEGUM @ HASINA BEGUM
W/O RAHAM ALI
R/O VILL- ALURBHUI

P.O. SILGARA
P.S. AND DIST. KOKRAJHAR (BTR)
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 03-10-2024

Heard Mr. A.K. Azad, learned counsel for the petitioner Nos. 1. Raham Ali and 2. Hassina Begum @ Hasina, who have filed this application under Section

482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as they are apprehending arrest in connection with Kokrajhar Police Station Case No. 186/2024 under Section 365 of the Indian Penal Code, 1860.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioners is that they called the victim Meser Ali through the mobile No. 8472019299. The Case Diary and records reveal sufficient communication between the victim's mobile number and the aforementioned mobile number.

4. Learned Additional Public Prosecutor has submitted that there are incriminating materials more particularly against the petitioner No. 1.

5. I have scrutinized the Case Diary. Indeed there are incriminating materials against the petitioner No. 1 as well as against the petitioner No. 2. However, the petitioner No. 2 may be granted pre-arrest bail. The merits of this case are not brought to the fore as investigation is still under progress. At this juncture, I am not inclined to grant pre-arrest bail to the petitioner No. 1. Hence, petition with prayer for bail on behalf of the petitioner No. 1 is rejected at this stage.

6. Meanwhile, in the event of her arrest, the petitioner No. 2 Hassina Begum @ Hasina shall be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that :

(i) the petitioner No. 2 shall appear before the Investigating Officer within one week and cooperate with the investigation,

(ii) the petitioner No. 2 shall appear before the Investigating Officer on every fortnight till completion of investigation,

(iii) the petitioner No. 2 shall not leave the jurisdiction of the Court without prior permission.

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

8. In terms of the above observation, this bail application stands disposed of.

JUDGE

Comparing Assistant