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

Case No. : AB/2497/2024

HAIDAR ALI AND ANR
S/O LT. EUSUF LI
R/O NO. 2 BORSOLA
P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR, ASSAM

2: HABIBUR RAHMAN @ HAIBUR ISLAM
S/O ABDUL MAZID
R/O NO. 2 BORSOLA
P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N H BARBHUIYA, MR. S Y AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 18.12.2024

Heard Mr. S.Y. Ahmed, learned counsel appearing for the petitioners and Mr. D.P. Goswami, learned Additional Public Prosecutor 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 North Lakhimpur P.S. Case No. 231/2024.
3. One lady has alleged that on the day of occurrence at mid-night in absence of the husband of the informant, both the petitioners entered into her house and committed rape upon her.
4. The learned counsel for the petitioners has submitted that on one occasion, the husband of the informant had committed rape upon the minor grand daughter of the petitioner, Haidhar Ali. The petitioner, Habibur Rahman @ Haibur Islam is the uncle of the said minor girl.
5. The learned counsel for the petitioners has submitted that that the aforesaid case under the provision of the POCSO Act is still going on against the husband of the informant.
6. Mr. Goswami has submitted that the victim land has implicated the present petitioners in the aforesaid case on the basis of the statement made by the victim lady before police.
7. I have considered the submissions made by the learned counsel of both sides.
8. This Court is of the opinion that at this stage, both the petitioners do not deserve to be detained in custody. Therefore, their bail application is allowed.
9. It is hereby directed that in the event of arrest in connection with North Lakhimpur P.S. Case No. 231/2024, the petitioners, Haidhar Ali & Habibur Rahman @ Haibur Islam shall be released on bail of Rs.20,000/- each with sureties of like amount to the satisfaction of arresting authority.
10. Both the petitioners shall appear before the Investigating Officer within next 10 (ten) days from today.
11. The bail application stands disposed of accordingly.

The CD shall be returned.

JUDGE

Comparing Assistant