

GAHC010206282024



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

Case No. : AB/2639/2024

MONIRUL ISLAM AND 2 ORS.
S/O MONNAF ALI
R/O VILL- BAROBALU, P.O. HAZIRHAT, P.S. SUKCHAR, DIST. SOUTH
SALMARA MANKACHAR, ASSAM, PIN-783128

2: ROUSHAN ZILAL @ ROUSHAN JALAL
S/O MONNAF ALI
R/O VILL- BAROBALU
P.O. HAZIRHAT
P.S. SUKCHAR
DIST. SOUTH SALMARA MANKACHAR
ASSAM
PIN-783128

3: BABLU SK. @ BABUL SHEIKH
S/O MONNAF ALI
R/O VILL- BAROBALU
P.O. HAZIRHAT
P.S. SUKCHAR
DIST. SOUTH SALMARA MANKACHAR
ASSAM
PIN-78312

VERSUS

THE STATE OF ASSAM AND ANR.
REP BY THE PP, ASSAM

2: MRS. XXXXXXXX
W/O- ABDUL BATEN SHEIKH
VILL- BAROBALU
P.O.- HAZIRHAT
P.S.- SUKCHAR
DIST- SOUTH SALMARA MANKACHAR

ASSAM
PIN-78312

Advocate for the Petitioner : MR M Z SHAH, MD P RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 28.10.2024

Heard Mr. M.Z.Shah, learned counsel for the petitioners as well as Mr. D.P.Goswami, learned Addl. P.P., Assam for the State respondent No.1.

This application under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioners, namely **1. Monirul Islam, 2. Roushan Zilal @ Roushan Jalal** and **3. Bablu Sk. @ Babul Sheikh** praying for pre-arrest bail apprehending arrest in connection with **Sukchar P.S. Case No. 50/2024** under Section 137(2)/65(i)/115(2)/3(5) of the BNS read with Section 6 of the POCSO Act.

Case diary is received.

Learned counsel for the petitioners submits that the present petitioners who are the brother of the accused No. 1, as per the FIR, has committed the offence of alleged rape on the victim. The allegation against the present petitioners is that they assaulted the victim and as a result of which, she sustained simple injury on her person. Under such backdrop, the benefit of pre-arrest bail be extended to the petitioners.

Learned Addl.P.P. has produced the case diary and submits that though it is alleged in the FIR that the petitioners had assaulted the victim but as per

medical report, no injury was found on the person of the victim.

I have perused the case diary.

In the backdrop of facts as emerged from the case diary, this Court finds it not expedient for custodial interrogation of the petitioners as aforesaid.

In view of the above, the prayer for anticipatory bail is hereby granted.

Accordingly, it is provided that in the event of arrest of the petitioners, named above, they shall be released on **pre-arrest bail**, in connection with the above noted case on furnishing bail bond of **Rs.30,000/- (Thirty Thousand) each** with one surety each of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioners shall appear before the Investigating Officer within 10 days from today failing which, on the 11th day, the anticipatory bail order shall automatically expire;
- (ii) That the petitioners shall co-operate with the investigation as and when required;
- (iii) That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant