

GAHC010209462024



2024:GAU-AS:11844

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

Case No. : AB/2701/2024

AL SHAHID AHMED @ AL SAYEED AHMED @ RAHUL
S/O SONA UDDIN AHMED
R/O VILL- BHALUKDUBI, PRAGATI NAGAR, P.S. GOALPPARA,
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE, MR. S K M ALOMGIR, MR A ISLAM, MR. S K TALUKDAR

Advocate for the Respondent : PP, ASSAM, MS. A KAUSHAR (INFORMANT), MR S ISLAM (INFORMANT), MR. A U CHOUDHURY (INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

28.11.2024

1. Heard Mr. S.K. Talukdar, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor appearing for the State of Assam as well as Mr. S. Islam, learned counsel for the

informant.

2. This application under Section 482 of the BNSS, 2023 has been filed by the petitioner, namely, Al Shahid Ahmed @ Al Sayeed Ahmed @ Rahul, who is apprehending his arrest in connection with Goalpara P.S. Case No. 94/2024 under Section 420/376/384/354/323/34 of the Indian Penal Code. It is pertinent to mention herein that the petitioner is approaching this Court for the second time praying for grant of anticipatory bail. His first application, i.e. A.B. No. 1892/2024 was rejected by this Court after perusal of the case diary.

3. The gist of accusation in this case is that on 12.07.2024, the father of the victim girl have lodged an FIR, naming five numbers of the accused therein, including the present petitioner, inter alia, alleging that the petitioner, namely, Al Shahid Ahmed @ Al Sayeed Ahmed @ Rahul has, on 27.06.2024 subjected the daughter of the informant to forceful sexual intercourse and also blackmail her to make viral certain photographs with the accused No. 1. It is also alleged in the FIR that on 12.07.2024, the other accused persons have assaulted the victim girl when she was called over telephone to the residence of accused No. 1 by the accused No. 1 himself.

4. The learned counsel for the petitioner has submitted that the perusal of the FIR would show that the nature of allegations levelled against the present petitioner itself indicates that there was a consensual relationship between the petitioner and the victim girl. He also submits that the petitioner is aged about 20 years, whereas, the victim girl is aged about 23 years and it is when the talk of marriage could not be

materialized the false FIR has been lodged.

5. The learned counsel for the petitioner has also submitted that the petitioner has filed an additional affidavit, wherein he has taken an additional ground for preferring this second anticipatory bail application, i.e., the petitioner is a student of Lakhipur Pvt. Industrial Training Institute and will be appearing for State Council For Vocational Training Test (SCVT) and his examination is scheduled to be start from 29.11.2024. He has submitted that to enable the petitioner to appear in the State Council For Vocational Training Test (SCVT) and for the same, he seeks protection of anticipatory bail.

6. On the other hand, Mr. K. Baishya, learned Additional Public Prosecutor has produced the case diary of Goalpara P.S. Case No. 94/2024 and has submitted that the investigation in the meanwhile has fairly progressed and the victim girl has been examined medically as well as her statement has also been recorded by the Magistrate as well as by the Investigating Officer and the case is mainly pending for apprehension of the present petitioner.

7. I have considered the submissions made by the learned counsel for both the sides and have perused the materials available on record, including the case diary of Goalpara P.S. Case No. 94/2024.

8. The plea raised by the learned counsel for the petitioner regarding his innocence in respect of the offence alleged in the FIR was earlier considered by this Court, while rejecting his anticipatory bail. However, considering the fact that the alleged offence was committed on

27.06.2024, and the FIR was lodged on 12.07.2024 and till date, the petitioner has not been apprehended by the Investigating Agency, and in the meanwhile, the investigation has also fairly progressed. Coupled with above, the fact that the petitioner would be appearing in the State Council For Vocational Training Test (SCVT) scheduled to be held from 29.11.2024, may be regarded as a new circumstance in favour of the petitioner. This Court is of considered opinion that to enable the petitioner to appear in the aforesaid examination scheduled to be held from 29.11.2024, the protection of anticipatory bail may be granted to him. Moreso, due to the fact that substantial progress has been made in the investigation in the meanwhile.

9. For reasons mentioned above, the above-named petitioner is hereby directed to appear before the Investigating Officer of Goalpara P.S. Case No. 94/2024, within a period of 10(ten) days from the date of this order and co-operate in the investigation of the case. If he does so, within the stipulated period of time, in the event of his arrest in connection with Goalpara P.S. Case No. 94/2024, he shall be allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority with following conditions:-

- (i)** the petitioner shall co-operate in the investigation; and
- (ii)** the petitioner shall not directly or indirectly make any inducement, threat or promise to the victim or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

10. With the above observations, this anticipatory bail application is

hereby disposed of.

- 11.** Send back the case diary.

JUDGE

Comparing Assistant