

GAHC010228672024



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

Case No. : Bail Appln./3345/2024

RAFIKUL HUSSAIN AND ANR
S/O PHUKAN ALI
R/O KORDOITOLA
P.S. NALBARI, DIST. NALBARI, ASSAM

2: ANOWAR ALI
S/O MESER ALI
R/O ANGLIDOL
MODON MOHAN KHOKA
P.S. NALBARI
DIST. NALBARI
ASSA
VERSUS
THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR N J DAS, MR K K BHATTACHARYYA
Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY
ORDER

12-11-2024

Heard Mr. N.J.Das, learned counsel for the petitioners and Mr. K.K.Das, learned Additional Public Prosecutor, Assam for the opposite party.

2. The present application under Section 483 of the Bharatiya Nagarik Suraksha

Sanhita, 2023 is filed by the petitioners, namely, (i) **Rafikul Hussain** and (ii) **Anowar Ali**, seeking bail in connection with Rangia P.S. Case No. 271/2024 registered under Sections 140(2)/115(2)/(3)(5) of the BNS, wherein they were arrested on 11.10.2024 and since then they are in custody.

3. Perused the FIR and the case diary.

4. In the FIR dated 10.10.2024, it is specifically alleged that two petitioners along with other four persons kidnapped the informant/victim in an Alto vehicle bearing registration No. AS-01N-6877 and demanded ransom of Rs. 50,000/- from his family. However, when the accused persons went to the place where money was to be delivered, the accused Nos. 2 & 3, i.e., Rafikul Hussain and Anowar Ali respectively, were apprehended by police.

5. As per the FIR, knowing such facts, the accused Nos. 2, 4, 5 & 6 released the informant/victim near Rangia and accordingly, he went to the Rangia Police Station.

6. Such facts have already been repeated by the victim in his statements recorded under Sections 180 CrPC and 183 CrPC.

7. Though Mr. Das, learned counsel for the petitioners, has argued that there is a commercial transaction and the victim owed money to the accused, therefore, it cannot be treated as a case of kidnap. In the considered opinion of this Court, such determination cannot be made in the application for bail inasmuch as sufficient materials have been collected by the Investigating Officer against the petitioners. Therefore, this Court is of the opinion that this is not a fit case to grant bail to the petitioners at this stage.

8. Accordingly, the bail application of the petitioners named above, stands rejected.

JUDGE

Comparing Assistant