

GAHC010229802024



2024:GAU-AS:11376

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

Case No. : AB/2900/2024

BOBIDUL ISLAM
S/O AYUB ALI
VILL- SAKEKURA
P.O. JANIA, P.S. BARPETA
DIST BARPETA, ASSAM
PIN-781319

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. S AHMED, MS. M. KHATUN, MS N AKTAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

21-11-2024

Heard Mr. S Ahmed, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. By this application under Section 482 of the BNSS, 2023, the petitioner, namely, **Bobidul Islam**, son of Ayub Ali, resident of village-Sakekura, P.S.-Barpeta, District-Barpeta,

apprehending his arrest, is seeking pre-arrest bail in **Barpeta Police Station Case No. 341/2024**, registered under Section 140(3) of BNS, 2023.

3. As per the FIR dated 17.08.2024 lodged by the father of the victim girl, the case is that on 15.08.2024 his minor daughter went to her school to attend the Independence Day program, but after attending the said program she did not return home till late night. Later she was found in front of his house at around 10:00 PM. On being enquired, the informant came to know that the petitioner forcibly took away the minor victim in his motorcycle and kidnapped her. In that regard the other accused persons named in the FIR helped the petitioner in such illegal act. Later, when the petitioner came to know that the entire family members of the victim girl are in search of the victim, he dropped her late in the night in front of the house of the informant.

4. Accordingly, Barpeta Police Station Case No. 341/2024 was registered under Section 140(3) of BNS, 2023.

5. Perused the case diary placed before the Court today by Mr. K K Parashar, learned APP, Assam that was called for by the Court on 05.11.2024.

6. Also seen the Section 180 BNSS statement of the victim girl as well as her statement recorded under Section 183 BNSS by the learned Judicial Magistrate First Class, Barpeta on 07.09.2024.

7. It is also seen that the petitioner refused to undergo her medical examination.

8. Considering the fact that the victim has been recovered and considering the materials in the case diary, this Court is of the opinion that custodial detention of the petitioner is not warranted to investigate said Barpeta Police Station Case No. 341/2024. As such, this pre-arrest bail application is accepted.

9. Accordingly, it is provided that in the event of arrest of the petitioner, namely, **Bobidul Islam**, in said Barpeta Police Station Case No. 341/2024, he shall be released on bail on furnishing bail bond of Rs. 40,000/-, with two local sureties each of the like amount, one of which shall be a Government Employee, either State or Central Government, to the satisfaction of the arresting authority, subject to the conditions that petitioner, named above

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- i) shall appear before the concerned Investigating Officer of said Barpeta Police Station Case No. 341/2024 **on or before 27.11.2024** and thereafter, as and when he is required for necessary investigation of the case;
 - ii) shall not leave the territorial jurisdiction of Barpeta Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case;
 - iii) shall not hamper with the investigation, or tamper with the evidence of the case;
 - iv) 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 them from disclosing such facts to the Court or to any police officer and;
 - v) shall not involve himself in any criminal activities in future.

10. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Bobidul Islam**, the pre-arrest bail granted to him in said Barpeta Police Station Case No. 341/2024 shall stand automatically vacated.

11. This pre-arrest bail application accordingly stands allowed.

12. Return the Case Diary herewith.

JUDGE

Comparing Assistant