

GAHC010233682023



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

Case No. : AB/3512/2023

LIAKAT ALI AND ANR
S/O LATE TAYAB ALI
R/O VILL- GANGAPUKHURI
P.O. SANTIPUKHURI
P.S. SIPAJHAR
DIST. DARRANG, ASSAM
PIN CODE- 784144

2: REKIBUJ JAMAN
S/O LIAKAT ALI
R/O VILL- GANGAPUKHURI
P.O. SANTIPUKHURI
DIST. DARRANG
ASSAM
PIN CODE- 78414

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A Z HUSSAIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

25.01.2024

Heard Mr. M. Barman, learned counsel for the petitioners. Also heard Mr. K.K. Parashar, learned Addl. P.P, Assam.

This is an application under Section 438 Cr.PC, 1973 for granting pre-arrest bail to the petitioners namely, Liakat Ali and Rekibuj Jaman in connection with Sipajhar Police Station Case No. 319/2023 dated 01.10.2023 registered under Section 366 of IPC, 1860.

The case of the prosecution is that the informant's daughter aged about 16 years 1 month 14 days was kidnapped by the accused/petitioner along with the accused persons and was taken away in a white coloured four (4) wheeler car. Accordingly, a case was registered. Apprehending arrest, the anticipatory bail application has been filed.

The Case Diary as called for is placed before this Court.

It may be mentioned that by Order dated 11.10.2023, this Court granted the privilege of interim pre-arrest bail to the petitioners subject to the conditions.

Mr. K.K. Parashar, learned Addl. P.P submits that the Case Diary shows that the petitioner appeared before the Investigating Officer and got their statements recorded under Section 161 Cr.PC as per the interim pre-arrest bail

granted earlier. He further submits that the victim girl has not yet been recovered.

I have heard the submissions made at the bar and I have also perused the materials available on record.

It appears from the Case Diary that there is no adverse report against the accused/petitioner No. 1, i.e., Liakat Ali from the Investigating Officer.

In that view of the matter, this Court finds that custodial interrogation of the accused/petitioner No. 1, i.e., Liakat Ali may not be required in the interest of the on-going investigation into the case.

Accordingly, the interim pre-arrest bail granted in the Order dated 11.10.2023 in relation to accused/petitioner No. 1, i.e., Liakat is hereby made absolute, subject to the following conditions:-

- (i) That the petitioner shall cooperate in investigation as and when required; and
- (ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to the any Police Officer.

However, in respect of the accused/petitioner No. 2, i.e., Rekibuj Jaman, it appears that there are statements of witnesses who have witnessed the

accused/petitioner No. 2 and accused No. 1, i.e., Tazmul Hoque taking the victim girl from North Bherua Gaon and putting her in the white coloured four (4) wheeler car.

Considering the fact that the minor girl has not yet been recovered, this Court is not inclined to grant privilege of pre-arrest bail to the petitioner No. 2 at this stage. Accordingly, the prayer of pre-arrest bail against the petitioner No. 2 stands rejected.

With the above observation and direction, the application stands disposed of.

JUDGE

Comparing Assistant