

GAHC010236072024



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

Case No. : AB/2971/2024

MOJAMMIL RAHMAN @ MOON ALI AND 2 ORS.
S/O AKHMOT ALI
R/O LACHITPUR,
NORTH JALUKBARI, KHANAMUKH, P.O. GUWAHATI UNIVERSITY, P.S.
JALUKBARI, DIST. KAMRUP (M), ASSAM, PIN-781014

2: RAHIMA BIBI
W/O IBRAHIM ALI
R/O D.C. TALUKDAR PATH

SANTIPUR
P.S. BHARALUMUKH
DIST. KAMRUP (M)
ASSAM

3: JASMINA BEGUM @ PINKY
W/O HAFIZUR ISLAM
R/O MOBAMARI
TANGANMARI
DIST. GOALPARA
ASSAM
PIN-78313

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : G UDDIN, MR A K AZAD, P ADHIKARI, MS F RAHMAN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 06.12.2024

Heard Mr.G. Uddin, learned counsel appearing for the petitioners and Mr. R.R. Kaushik, learned Additional Public Prosecutor appearing for the state of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail to the petitioners in respect of Jalukbari PS Case No. 551/2024.

3. One lady with a 2 year and 9 months old bay used to reside in the house of the petitioner No.1, Mojammil Rahman @ Moon Ali. She has alleged in the FIR that on 30.10.2024 at about 7 PM, the present petitioner, Mojammil Rahman @ Moon Ali took her to his house, where she was badly beaten up. She alleges that her wearing apparels were torn apart and the petitioner, Mojammil Rahman committed rape upon her. The informant lady has alleged that after the incident, Mojammil Rahman had thrown chilly on her body and she was driven out of the house. According to the informant, the petitioners Nos. 2 & 3, Rahima Bibi and Jasmina Begum are also involved in the said offence.

4. Mr. Kaushik has submitted that the informant has implicated the present petitioners. Some witnesses examined by police also supported that there was a quarrel between the informant and the petitioners.

5. Mr. Uddin has submitted that quarrel took place just to take revenge against the petitioners.

6. I have considered the submissions made by the learned counsels of both sides.

7. This Court is of the opinion that under the given circumstances of the case, the petitioners do not deserve to be detained in custody.

8. Therefore, the bail application of the petitioners is allowed.

9. It is hereby directed that in the event of arrest in connection with Jalukbari PS

Case No. 551/2024, the petitioners, Mojammlil Rahman @ Moon Ali, Rahima Bibi and Jasmina Begum shall be released on bail of Rs. 25,000/- each with sureties of like amount to the satisfaction of the arresting authority.

10. All the petitioners are directed to appear before the Investigating Officer as and when called for.

11. With the aforesaid direction, the bail application stands disposed of.

The CD shall be returned.

JUDGE

Comparing Assistant