

GAHC010240442023



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

Case No. : AB/3598/2023

RAHIMA BEGUM AND 5 ORS.
W/O ANOWAR UDDIN
VILL- NATANPUR, P.O. KALAIN
P.S.KALAIN
DIST. CACHAR, ASSAM
PIN CODE- 788815

2: AFSANA BEGUM
D/O ANOWAR UDDIN
W/O KARIM UDDIN
VILL- NATANPUR
P.O. KALAIN
P.S.KALAIN
DIST. CACHAR
ASSAM
PIN CODE- 788815

3: ROFSANA BEGUM
D/O ANOWAR UDDIN
W/O AZAHAR UDDIN KHAN
VILL- NATANPUR
P.O. KALAIN
P.S.KALAIN
DIST. CACHAR
ASSAM
PIN CODE- 788815

4: SHILPI BEGUM BARBHUIYA @ SHILPI BEGUM
W/O KAMRUL HOQUE
VILL- NATANPUR
P.O. KALAIN
P.S.KALAIN
DIST. CACHAR
ASSAM

PIN CODE- 788815

5: JAYTUN NESSA @ MONI BEGUM
W/O IMRUL UDDIN
VILL- NATANPUR
P.O. KALAIN
P.S.KALAIN
DIST. CACHAR
ASSAM
PIN CODE- 788815

6: KAMRUL HOQUE @ KAMRUL UDDIN
S/O ANOWAR UDDIN
VILL- NATANPUR
P.O. KALAIN
P.S.KALAIN
DIST. CACHAR
ASSAM
PIN CODE- 78881

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A MANNAF

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

23.01.2024

- 1.** Heard Mr. H.R.A. Choudhury, learned Sr. Counsel appearing for the petitioners. Also heard Mr. D. Das, learned Addl. P.P., Assam appearing for the State respondent.
- 2.** This is an application under Section 438 of the Code of Criminal Procedure,

1973 for granting anticipatory bail to the petitioners, namely **1) Rahima Begum 2) Afsana Begum 3) Rofsana Begum 4) Shilpi Begum Barbhuiya @Shilpi Begum 5) Jaytun Nessa @Moni Begum and 6) Kamrul Hoque @Kamrul Uddin** in connection with **Kalain P.S. Case No.214/2023** registered under Sections **147/366/341/328/307** of the IPC and subsequently added Sections **120B/302** of the IPC.

3. It may be mentioned that by order dated 17.10.2023 this Court granted the privilege of interim pre-arrest bail to the petitioners subject to conditions.

4. The case of the prosecution, in brief, is that the accused petitioner on 09.05.2023 kidnapped the informant's sister, namely Rasmina Begum and kept her confined and thereafter, harassed her. It is further alleged that the petitioners assaulted the victim with intention to kill her and also she was administered poisonous substance by mixing with milk. Later on, she was rescued from the hands of the accused persons with the help of police officials. Accordingly, a case was registered. Apprehending arrest, the present anticipatory bail application has been preferred.

5. The case diary, as called for, is placed before the Court.

6. Mr. D. Das, learned Addl. P.P. submits that the victim girl after being recovered, died on the next date and accordingly Sections 120B and 302 of the IPC have been added.

7. I have considered the submissions made at the bar and perused the materials available on record including the case diary placed before this Court.

8. It appears from the statement of the victim girl recorded under Section 161 Cr.P.C. that she had implicated the accused persons in the offences alleged.

9. Considering the adverse materials available on the case diary and

considering the nature of allegations, this Court is not inclined to grant pre-arrest bail to the petitioners at this stage.

10. Accordingly, the prayer for pre-arrest bail stands rejected.

11. The interim order dated 17.10.2023 stands vacated.

12. Returned the case diary.

13. The pre-arrest bail application stands disposed off.

JUDGE

Comparing Assistant