

GAHC010250672024



2024:GAU-AS:12923

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

Case No. : AB/3118/2024

RABIYAL SHEIKH AND 4 ORS
S/O MADHARI SHEIKH
R/O 108, TEA GARDEN, ALOMGANJ
PART-VII, DHUBRI,
DIST. DHUBRI, ASSAM
PIN CODE-783339

2: JAHIRUL ISLAM
S/O SOMED ALI
R/O ALOMGANJ PART-VIII
PIN CODE-783339
DIST. DHUBRI
ASSAM

3: AMIR UDDIN
S/O AIN UDDIN SHEIKH
R/O ALOMGANJ PART-VIII
PIN CODE- 783339
DIST. DHUBRI
ASSAM

4: JAHAN UDDIN
S/O AIN UDDIN
R/O ALOMGANJ PART- VIII
PIN CODE- 783339
DIST. DHUBRI
ASSAM

5: ABDUL BAREK
S/O AYNAL HOQUE
R/O ALOMGANJ PART-VIII
PIN CODE- 783339
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY, MR. M. ALOM, MR. S R ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

18/12/2024

Heard Mr. B Chowdhury, learned counsel for the petitioners and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

2. The petitioners, namely, **(1) Rabiya Sheikh**, son of Madhari Sheikh, resident of 108, Tea Garden, Alomganj Part-VII, Dhubri, **(2) Jahirul Islam**, son of Samed Ali, resident of Alomganj Part-VIII, **(3) Amir Uddin**, son of Ain Uddin Sheikh, resident of Alomganj Part-VIII, **(4) Jahan Uddin**, son of Ain Uddin, resident of Alomganj Part-VIII and **(5) Abdul Barek**, son of Aynal Hoque, resident of Alomganj Part-VIII, have filed this application under Section 482 BNSS, seeking pre-arrest bail apprehending their arrest in **Gauripur P.S. Case No. 240/2024** registered under Sections 147/148/447/448/427/379/384/325/34 IPC corresponding to G.R. No. 941/2024.

3. Mr. Chowdhury, learned counsel for the petitioners submitted that on 24.06.2024, they along with the members of the Panbari Rangamati Masjid Committee lodged an FIR against the informant/complainant of Gauripur P.S. Case No. 240/2024, her husband and some others for running a racket of flesh trade in her house situated near the famous Panbari Rangamati Masjid at Panbari, Rangamati, District-Dhubri. The said FIR was accordingly registered as Gauripur P.S. Case No. 167/2024 under Sections 3/4/5/7 of the Immoral Traffic (Prevention) Act, in which 11 persons were arrested including the informant/complainant of Gauripur P.S. Case No. 240/2024 with her husband and others. Later, the said accused of Gauripur P.S. Case No. 167/2024 as a complainant on 17.08.2024 lodged an FIR before the Gauripur Police Station against the present petitioners and others stating that on 24.06.2024, the petitioners along with others as a team trespassed into their house, ransack their house and had taken away some valuable articles like, golden chain, golden

bangles, golden earrings, gas cylinders, stand fans, burners, cash of Rs.50,000/- etc. alleging that they are involved in immoral traffic of human flesh trade.

4. Mr. Choudhury, learned counsel for the petitioners submitted that it is in a cross case the petitioners have been alleged in such offences.

5. Perused the case diary placed before the Court today by Mr. Goswami, learned Additional Public Prosecutor, Assam.

6. Mr. Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that the arrested accused persons of Gauripur P.S. Case No. 240/2024 implicated the present petitioners stating that they trespassed into the house of the complainant led by the common people of the locality and ransack their house in the allegation of running a brothel near the Panbari Rangamati Masjid.

7. It is also placed before the Court by Mr. Gowami, learned Additional Public Prosecutor, Assam that the items which were taken away from the house of the informant/complainant on 24.06.2024 are yet to be recovered.

8. Considering such materials in the case diary against the petitioners with regard to their involvement in the alleged crime, the Court is of the view that it is not a fit case to grant pre-arrest bail to the petitioners, **(1) Rabiya Sheikh, (2) Jahirul Islam, (3) Amir Uddin, (4) Jahan Uddin, and (5) Abdul Barek** in said **Gauripur P.S. Case No. 240/2024**.

9. Accordingly, this pre-arrest bail application of the petitioners, named above, in said **Gauripur P.S. Case No. 240/2024** stands rejected.

10. Return the case diary.

JUDGE

Comparing Assistant