

GAHC010250902024



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

Case No. : AB/3116/2024

SAMIDUL ISLAM @ SAMIDUL HOQUE AND ANR.
S/O SOLEMAN ALI
R/O VILL- BANIAMARI PART-I
P.S. GAURIPUR
DIST.DHUBRI, ASSAM

2: OSMAN GONI AHMED @ OSMAN GONI
S/O LATE MOHAMMAD ALI
R/O VILL- BANIAMARI PART-I
P.S. GAURIPUR
DIST.DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MS. R CHOUDHURY, MS. B. HAZARIKA

Advocate for the Respondent : PP, ASSAM,

Linked Case : Bail Appln./3629/2024

SOBHAN ALI @ SUBAHAN ALI
S/O LATE MOHAMMAD ALI
VILL- BANIAMARI PART-I

P.S. GAURIPUR
DIST. DIST. DHUBRI
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP
GOVT. OF ASSAM

Advocate for : MS. R CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 11.12.2024

Both the applications having arisen out of the same FIR, the same are taken up together for disposal by this common order.

2. Heard Ms. R. Choudhury, learned counsel appearing for the petitioners. Also heard Ms. N. Das, learned Additional Public Prosecutor for the state of Assam.

3. These two applications are filed u/s 483 and 482 of the BNSS, 2023, whereby the petitioner Sobhan Ali @ Subahan Ali has prayed for releasing him on bail, after he was arrested in connection with Gouripur PS Case No. 276/2024. By the other application, the petitioners, Samidul Islam @ Samidul Hoque and Osman Goni Ahmed @ Osman Goni have prayed for grant of pre-arrest bail in respect of the same Police Station.

4. There is an allegation that one boy named Saidul Islam once entered into the house of Sohaban Ali, when his elder brother was not present in the house. It is further alleged that Sahidul Islam had physical relationship with the 15 years old daughter of Soleman Ali for the whole night. According to Soleman Ali, the act of Saidul Islam on that day was against the

will of his daughter. Thereafter, on 05.09.2024, the present petitioners called Saidul Islam to their house and after locking the door, the present petitioners had beaten up Saidul Islam.

Sahidul Islam is 16 years old and he is the elder brother of the said girl. Osman Goni Ahmed @ Osman Goni aged about 31 years and Sobhan Ali, aged about 33 years are uncles of Samidul Islam.

5. Ms. N. Das has objected to these two bail applications on the ground that the medical report suggest that Sahidul Islam has sustained injuries on that day. According to Ms. Das, there are some witnesses to support the prosecution story.

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

7. This Court is of the opinion that because of his young age, the petitioner, Samidul Islam @ Samidul Hoque does not deserve to be detained in custody. Considering the young age of Samidul Islam @ Samidul Hoque, his anticipatory bail application is allowed.

8. It is hereby directed that in the event of arrest in connection with Gouripur P.S. Case No. 276/2024, the petitioner, Samidul Islam @ Samidul Hoque shall be released on bail of Rs. 20,000/- with a surety of like amount to the satisfaction of the arresting authority.

9. The petitioner, Samidul Islam @ Samidul Hoque is directed to appear before the Investigating Officer within next 10 days from today.

10. So far the cases of the petitioners, Sobhan Ali @ Subahan Ali & Osman Goni Ahmed @ Osman Goni are concerned, this Court is of the opinion that under the given circumstances of the case, they also do not deserve to be detained in custody. Therefore, the prayer for anticipatory bail of the petitioner Osman Goni Ahmed @ Osman Goni and the prayer for bail of the petitioner, Sobhan Ali @ Subahan Ali are allowed.

11. It is hereby directed that in the event of arrest in connection with Gouripur PS Case No. 276/2024, the petitioner, Osman Goni Ahmed @ Osman Goni shall be released on bail of Rs. 20,000/- with a surety of like amount to the satisfaction of the arresting authority.

12. The petitioner, Osman Goni Ahmed @ Osman Goni is directed to appear before the Investigating Officer within next 10 days from today.

13. The petitioner, Sobhan Ali @ Subahan Ali, who was arrested in connection with

Gouripur PS Case No. 276/2024 shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dhubri.

14. Both the bail applications are disposed of accordingly.
15. CD(s) shall be returned.

JUDGE

Comparing Assistant