

GAHC010264152023



2024:GAU-AS:12125

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

Case No. : AB/3993/2023

TOUHID ZAMAN LASKAR @ TAUHID LASKAR
S/O- SAHED AHMED LASKAR, R/O- VILL. UTTARKRISHNAPUR PT.I, P.S.
SILCHAR, DIST.- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:JAHANARA BEGUM KHAN
W/O- NAJRUL KHAN
C/O- KHAIRUL ALAM CHOUDHURY (KUKON)
R/O- VILL. UTTARKRISHNAPUR PT.I
OPPOSITE YASIN CHOUDHURY HIGH SCHOOL
P.O. UTTARKRISHNAPUR
P.S. SILCHAR
DIST.- CACHAR
ASSAM
PIN- 78800

Advocate for the Petitioner : MR. N H BARBHUIYA, MR. P K ROYCHOUDHURY,MS. N.A.
LASKAR

Advocate for the Respondent : PP, ASSAM, MR. A M S MAZUMDER

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

02-12-2024

Heard Mr. P. K. Roychoudhury, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

2. Apprehending his arrest, the petitioner namely, **Touhid Zaman Laskar @ Tauhid Laskar**, son of Sahed Ahmed Laskar, resident of Village-Uttarkrishnapur, Pt-I, P.S.-Silchar, District-Cachar has filed this application under Section 438 CrPC seeking pre arrest bail in **Silchar P.S. Case No. 1984/2023**, registered under Sections 354-A/326/325/294/34 IPC read with Section 75 of the Juvenile Justice (Care and Protection) Act corresponding to G.R. No. 3756/2023.

3. As per the FIR dated 17.10.2023 lodged by the informant, the case is that her daughter, who is 15 years old and a dumb girl on the morning of 16.10.2023 went to the house of the petitioner to help in the domestic work and she returned home with bleeding her hand. When the informant enquired from the victim, she in sign language told her that the petitioner by inflicting dao blow injured her and tried to molest her by touching her private part during which she protested and the petitioner started to assault her and then gave a dao blow on her hand. Thereafter, when she made hue and cry, other two accused persons of the case assaulted her. As such, she returned home and accordingly the said FIR of the informant was registered as Silchar P.S. Case No. 1984/2023, under Sections 354-A/326/325/294/34 IPC read with Section 75 of the Juvenile Justice (Care and Protection) Act corresponding to G.R. No. 3756/2023.

4. By order dated 10.01.2024, the Court granted interim bail to the petitioner in said Silchar P.S. Case No. 1984/2023.

5. By order dated 30.04.2024, the Court directed to place the statement of victim

girl recorded under Section 164 CrPC.

6. Today, Mr. Sarma, learned Addl. PP placed the up-to-date case diary.

7. From the case diary, it is seen that the statement of the victim girl was recorded in sign language with the help of professional and Certified, Educated in Sign Language recorded by the learned JMFC, Silchar on 27.11.2024 under Section 183 BNS.

8. In her statement recorded under Section 183 BNSS (164 CrPC), the victim girl did not implicate the petitioner as been alleged against him in the FIR.

9. Considering such materials in the case diary, the Court is of the view that custodial detention of the petitioner is not warranted for investigation of said Silchar P.S. Case No. 1984/2023. As such, this pre arrest bail application of the petitioner is accepted.

10. Accordingly, the interim pre-arrest bail granted to the petitioner earlier on 10.01.2024 in said Silchar P.S. Case No. 1984/2023, is hereby made absolute, subject to the compliance of the terms and conditions as specified in the order dated 10.01.2024 and on compliance of the following conditions that the petitioner –**(i)** shall not leave the territorial jurisdiction of the Silchar Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(ii)** shall not hamper with the investigation, or tamper with the evidence of the case; **(iii)** shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer; **(iv)** shall not threaten the complainant/victim girl or anyone in her family by himself or by others, acting on his behalf and **(v)** shall not involve himself in any criminal activities in future.

11. Any violation of the aforesaid terms and conditions as well as the terms and conditions as specified in the order dated 10.01.2024, noted above, by the petitioner, named above, the pre-arrest bail granted to him in said Silchar P.S. Case No.

1984/2023 shall stand automatically vacated.

12. This pre-arrest bail application accordingly stands disposed of.

13. Return the case diary herewith.

JUDGE

Comparing Assistant