

GAHC010272552024



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

Case No. : AB/3353/2024

HASHEM ALI AND 3 ORS
S/O LATE HAYAT ALI
R/O VILL- FASATPUR
P.O. RANGAMATI, P.S. GAURIPUR
DIST. DHUBRI, ASSAM
PIN-783339

2: HAREZ ALI
S/O ABDUL HAMID
R/O VILL- FASATPUR
P.O. RANGAMATI
P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783339

3: SHAHADAT ALI @ LADEN
S/O HAREZ ALI
R/O VILL- FASATPUR
P.O. RANGAMATI
P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783339

4: SHAH ALOM
S/O HAREZ ALI
R/O VILL- FASATPUR
P.O. RANGAMATI
P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-78333

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S RAHMAN, R HAQUE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 19.12.2024

- 1.** Heard Mr. S. Rahman, learned counsel for the petitioners. Also heard Mr. R. R. Kaushik, learned Additional Public prosecutor for the State of Assam.
- 2.** This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying for pre-arrest bail in respect of Gauripur Police Station Case No.240/2024.
- 3.** An women had lodged an FIR against 19 persons including the present petitioners alleging that on 24.06.2024, they have forcibly entered into her house and accused her and her family member that they were involved in the prostitution.
- 4.** It is alleged that the petitioners along with the other persons caused damage to her house and they also took away valuable ornaments, cash of amount of Rs.5,00,000/- and some gas cylinders, etc.
- 5.** The informant has further alleged that these petitioners along with other persons caused the accused and her family members that they were involved in prostitution and on that ground, the informant and her family members were handed over the Police.

- 6.** The learned counsel for the petitioners has submitted that the informant and her family members were indulging in prostitution the locality and therefore the petitioners and some other persons had caught them red-handed and handed over the Police. According to the learned counsel for the petitioners, in order to take revenge the informant has lodged his false FIR.
- 7.** I have considered the submissions made by learned counsel for both the sides.
- 8.** This Court is of the opinion that at this stage the petitioners does not deserve to be detained in custody.
- 9.** Therefore, the pre-arrest bail prayers made by the present petitioners is allowed.
- 10.** It is hereby directed that in the event of arrest in connection with Gauripur Police Station Case No.240/2024, the petitioners Hashem Ali, Harez Ali, Shahadat Ali @ Laden and Shah Alom shall be released on bail of Rs.20,000/- each with a surety of like amount to the satisfaction of the arresting authority.
- 11.** All the petitioners shall appear before the Police Investigating Officer within next 10 days from today.
- 12.** The petitioners shall co-operate with Police Investigation as and when required
- 13.** Case Diary shall be returned.
- 14.** The bail application stands disposed of.

JUDGE

Comparing Assistant