

GAHC010281492023



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

Case No. : AB/4208/2023

AKHEDA BEGUM @ RAKEDA KHATUN
W/O MUKTER HUSSAIN
VILL-KUKURMUA
P.O. AND P.S. MAHENDRAGANJ
DIST. WEST GARO HILLS, MEGHALAYA
PIN-794106

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:SHANHINUR ISLAM
S/O AZIZUL HOQUE
VIL- MOYNABANDA
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR

ASSAM
PIN-78313

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 16.02.2024

Heard Mr. A.Z. Ahmed, learned counsel for the applicant. Also heard Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent No. 1.

2. Apprehending arrest in connection with Mankachar P.S. Case No. 374/2023, under Sections 366(A)/342/34 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Akheda Begum @ Rakeda Khatun, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Shahinur Islam on 30.09.2023. The essence of allegation made in the FIR dated 30.09.2023, is that on that day, at about 06:40 p.m. in the evening, one Monna Aziz, Mokter Hussain, Mominur Rahman, Mofior Rahman and Rakeda Khatun kidnapped his minor daughter, namely, Smt. X. (name withheld) aged about 15 years.

4. Mr. Ahmed, learned counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail by this Court, vide order dated 15.12.2023 and pursuant to the said order, she had also appeared before the I.O. and she has been cooperating with the investigating agency, and therefore, it is contended to allow the application.

5. On the other hand, Mr. R.J. Baruah, the learned Addl. Public Prosecutor submits that he has received the case diary and confirmed appearance of the applicant before the I.O. concerned, and he also submits that the I.O. has achieved substantial progress in the investigation of this case and the main accused has been arrested. However, the present applicant has been implicated

by the victim girl in her statement recorded under Section 164 of the Cr.P.C., and as such, Mr. Baruah has opposed the application.

6. Having heard the submission of learned Advocates of both sides, I have gone through the application and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Addl. Public Prosecutor.

7. The case diary indicates that the I.O. has achieved substantial progress in the investigation of the case. Though some materials are there in the statement of the victim girl recorded under Section 164 of the Cr.P.C. against the present applicant, yet it appears that she has been cooperating with the investigating agency pursuant to the order dated 15.12.2023.

8. In that view of the matter, custodial interrogation of the applicant seems not be warranted and therefore, the order dated 15.12.2023 is hereby made absolute with the same terms and conditions.

9. In terms of above, the application stands disposed of.

10. Case diary be returned.

JUDGE

Comparing Assistant