

GAHC010291792023



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

Case No. : AB/4334/2023

MD RAZIUL ISLAM AND 3 ORS
S/O MD. AZZAD HUSSAIN
R/O VILL- ASKIKANDI
P.S. PHULBARI
DIST. WEST GARO HILLS,
STATE- MEGHALAYA.

2: MD. AZZAD HUSSAIN
S/OLT. KODIM ALI
R/O VILL- ASKIKANDI
P.S. PHULBARI
DIST. WEST GARO HILLS

STATE- MEGHALAYA

3: MUSTT. RABEYA KHATUN
W/OMD. AZZAD HUSSAI
R/O VILL- ASKIKANDI
P.S. PHULBARI
DIST. WEST GARO HILLS

STATE- MEGHALAYA

4: MD. SOPIKUL ISLAM
S/O MD. MOZIYUL HOQUE
R/O VILL- RAJPUR
P.S. PHULBARI
DIST. WEST GARO HILLS

STATE- MEGHALAY

VERSUS

THE STATE OF ASSAM

REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

23.01.2024

Heard Mr. B. Chowdhury, learned counsel for the petitioners. Also heard Ms. N. Das, learned Addl. P.P, Assam.

This is an application under Section 438 of the Code of Criminal Procedure, 1973 for granting of pre-arrest bail to the petitioners namely Md. Raziul Islam, Md. Azzad Hussain, Musst. Rabeya Khatun and Md. Sopikul Islam in connection with Mankachar Police Station No. 415/2023 (corresponding to GR Case No. 1002/2023) registered under Section 366(A)/343/34 of the Indian Penal Code, 1860 arising out of FIR lodged by one Firaza Begum on 09.11.2023.

The case of the prosecution in brief is that the accused No. 1 has kidnapped the daughter of the informant in connivance with the other accused from Mankachar College premises and had illegally confined her and has illegally solemnize marriage with her. It is further alleged that the accused No. 1 is also suspected to have committed raped on the informant's daughter. Accordingly, a case has been registered. Apprehending arrest, the petitioners have preferred the anticipatory bail application.

By Order dated 22.12.2023, this Court granted interim protection to the petitioner Nos. 2, 3 & 4. The Case Diary as called for is placed before the Court.

Ms. N. Das, learned Addl. P.P submits on the basis of the Case Diary that the petitioner Nos. 2, 3 & 4 have appeared before the Investigating Officer and got their statement recorded under Section 161 Cr.PC as per the interim pre-arrest bail granted earlier. She further submits that the victim girl's statement has also been recorded under 164 Cr.PC.

This Court finds that there is no adverse report against the petitioner Nos. 2, 3 & 4 from the Investigating Officer and as such, their custodial interrogation may not be required in the interest of the on-going investigation of the case. Accordingly, the interim pre-arrest bail granted in the Order dated 22.12.2023 is hereby made absolute, subject to the same conditions.

As regards the petitioner No. 1, there are adverse reports from the Investigating Officer. From a perusal of the statement of the victim girl recorded under section 164 Cr.PC, it appears that she has implicated the accused/petitioner No. 1.

Considering the nature of allegation and materials available on record, this Court is not inclined to grant pre-arrest bail to the petitioner No. 1 at this stage. Accordingly, the prayer for pre-arrest bail in respect of petitioner No. 1 is rejected.

With the above observation, this application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant