GAHC010158572020

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

Case No. : AB/3192/2020

ABDUL JALIL AND 4 ORS.
S/O JASHIMUDDIN SK, R/O VILL-SOULMARI PART-II, P.S.-DHUBRI, DIST-DHUBRI, ASSAM

2: JASHIMUDDIN SK
S/O AZGAR ALI
R/O VILL-SOULMARI PART-II
P.S.-DHUBRI
DIST-DHUBRI
ASSAM

3: SOFIQUL ISLAM
S/O LATE ABDUR RAHMAN
R/O BERBHANGI PART-II
P.S.-GOLAKGANJ
DIST-DHUBRI
ASSAM

4: SAHIDUR RAHMAN
S/O LATE ABDUR RAHMAN
R/O BERBHANGI PART-II
P.S.-GOLAKGANJ
DIST-DHUBRI
ASSAM

5: HALI BIBI
W/O JASHIMUDDIN SK
R/O VILL-SOULMARI PART-II
P.S.-DHUBRI
DIST-DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

11.12.2020

Heard Mr. M. Ahmed, learned counsel for the petitioners and Mr. N.K. Kalita, learned Addl. PP., Assam appearing for the State/respondent.

By this application under Section 438 Cr.P.C., the petitioners, namely ***1. Abdul Jalil, 2. Jashimuddin Sk, 3. Sofiqul Islam, 4. Sahidur Rahman and 5. Hali Bibi*** have prayed for pre-arrest bail apprehending arrest in connection with **Dhubri P.S. Case No. 1463/2020** under Sections 366/384/509/34 of the IPC.

The case diary, as called for, is placed before the Court.

It may be mentioned that this Court, by order, dated 12.11.2020, granted the privilege of interim pre-arrest bail to the petitioner Nos. 2 to 5, subject to conditions.

Perusal of the case diary reveals that the victim girl, who is a minor, aged about 17 years, in her statement recorded under Section 164 Cr.P.C has implicated the petitioner No. 1 in the alleged offence.

On consideration of the *pros and cons* of the evidence so far collected by the I.O., this Court finds that custodial interrogation of the petitioner Nos. 2 to 5 may not be necessary in the interest of ongoing investigation.

Accordingly, the interim pre-arrest bail granted vide order, dated 12.11.2020 is hereby made absolute, subject to the condition that the petitioner Nos. 2 to 5 shall co-operate in

investigation as and when required and the petitioner Nos. 2 to 5 shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

So far the prayer of the petitioner No. 1, named above, is concerned, the case diary reveals certain *prima facie* incriminating material against him. Therefore, this Court finds that it is not a fit case to grant the privilege of pre-arrest bail to the petitioner No. 1 and accordingly, his prayer for pre-arrest bail stands rejected.

Return the case diary.

This disposes off the pre-arrest bail application.

JUDGE

Comparing Assistant