

GAHC010003932024



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

**Case No. : AB/57/2024**

RASHED ALI  
S/O LATE DILUWAR HUSSAIN, R/O ISLAMPATTY, HAIBARGAON NAGAON,  
UNDER NAGAON SADAR POLICE STATION, DISTRICT- NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY PP, ASSAM

**Advocate for the Petitioner : MR. D K BAIDYA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**01.02.2024**

Heard Mr. D.K. Baidya, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Nagaon P.S. Case No.803/2023, under Section 120(B)/420 IPC, read with Section 81 of the Juvenile Justice (Care and Protection

of Children) Act, 2015, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Rashed Ali, 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 Anjali Arya, District Child Protection Officer (DCPO), Nagaon, on 29.08.2023. The essence of allegation made in the aforesaid FIR is that one Suhana Begum, mother of a minor girl, namely, X (name withheld) submitted one application in connection with donation of aforesaid child to Rashed Ali on the pretext that she could not take care of the child, by executing a Notary Deed, signed by Notary Juri Buragohain and Advocate Rosy Hussain and handed over the girl to Rashed Ali on payment of a sum of ₹ 15,000/- to her.

4. Mr. Baidya, learned counsel for the applicant submits that this Court vide order dated 11.01.2024 was pleased to extend the privilege of interim pre-arrest to the applicant and pursuant to the said order, he had appeared before the I.O. and his statement is also recorded and therefore, Mr. Baidya contended to make the interim order dated 11.01.2024, absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the statement of the applicant is not available in the case diary. Further, Mr. Sarma submits that the I.O. has collected some materials against the applicant and therefore, Mr. Sarma contended that custodial interrogation of the applicant is necessary in the interest of investigation and accordingly, the petition needs to be dismissed.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

7. In view of the submission of learned Advocates of both the parties and also in view of the nature and gravity of the offence as well as punishment prescribed for the same and further considering the stage of investigation, custodial interrogation of the applicant

seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 11.01.2024, absolute, in the same terms and conditions. Case diary be returned.

8. In terms of above, this anticipatory bail application stands disposed of.

**Sd/- Robin Phukan**  
**JUDGE**

**Comparing Assistant**