

GAHC010095762025



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

Case No. : AB/1052/2025

RUME SULTAN BASHA @ SULTAN ALI
S/O SABED ALI
R/O VILL-BALIPARA JANGAL,P.O. HALOAKANDA, DIST. MORIGAON,
ASSAM, PIN-782121.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. J A AHMED, MR. K M HASSAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 21.05.2025

1. Heard Mr. K. M. Hassan, the learned counsel for the petitioner. Also heard Mr. M. P. Goswami, the learned Additional Public Prosecutor for the State respondent.

2. This application under Section 482 of BNSS, 2023 has been filed by the petitioner, namely, Rume Sultan Basha @ Sultan Ali, who is apprehending his

arrest in connection with Bhuragaon P.S. Case No. 13/2025, under Sections 111/140(3)/3(5) of the BNS, 2023.

3. The gist of the accusation in this case is that on 01.03.2025, the mother of the victim girl had lodged an FIR before the Officer-in-Charge of Bhuragaon Police Station, *inter-alia*, alleging that the two other accused persons named in the FIR have kidnapped the victim girl and since the date of her abduction, the whereabouts of the victim girl is not known.

4. On the other hand, the learned counsel for the petitioner has submitted that on earlier occasion also, the victim girl had eloped with the petitioner. However, at that time, she was minor and therefore, a POCSO case was registered against the present petitioner, namely, POCSO Case No. 374/2023 corresponding to Bhuragaon P.S. Case No. 122/2023.

5. He, however, submits that presently, the victim girl has become major and she had eloped on her own with the present petitioner.

6. He also submits that the victim girl has already been recovered and his custodial detention may not be necessary considering the fact that the victim girl eloped with him on her own.

7. On the other hand, the learned Additional Public Prosecutor has submitted that though the case diary of Bhuragaon P.S. Case No. 13/2025 is available, however, the same appears to be not updated in as much as the statement of the victim girl recorded under Section 183 as well as 181 of the BNS, 2023 are not available in the case diary.

8. He, therefore, prays for allowing the prosecution side to produce an updated case diary.

9. The prayer is allowed.

10. Let this case be listed again **on 13.06.2025.**

11. Though, the learned Additional Public Prosecutor has opposed the grant of any interim protection, however, considering the submissions made by the learned counsel for the petitioner, the above-mentioned petitioner is hereby directed to appear before the Investigating Officer of Bhuragaon P.S. Case No. 13/2025 within a period of seven days from the date of this order and cooperate in the investigation. If he does so within the stipulated period of time, in the event of his arrest in connection with the above-mentioned case, he shall be allowed to go on interim bail of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like to the satisfaction of the arresting authority with following:

- i.** That the petitioner shall co-operate in the investigation.
- ii.** That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

12. Let this case be listed **on 13.06.2025** for case diary.

JUDGE

Comparing Assistant