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

Case No. : AB/1080/2025

SULTAN ALI AND ORS
S/O- NASIR ALI @ NASER ALI.
R/O- VILL.- PANDITORPAM, P.O.- HAJO.
P.S- HAJO, DIST.- KAMRUP.
PIN-781102

2: NASIR @ NASER ALI
S/O- LATE ANSER ALI.
R/O- VILL.- PANDITORPAM
P.O.- HAJO.
P.S- HAJO
DIST.- KAMRUP.
PIN-781102

3: JAHANARA
W/O- NASER ALI.
R/O- VILL.- PANDITORPAM
P.O.- HAJO.
P.S- HAJO
DIST.- KAMRUP.
PIN-78110

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP ASSAM

Advocate for the Petitioner : MR A A DEWAN, MR H A RASHID

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 19.05.2025

- 1.** Heard Mr. A. A. Dewan, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State.
- 2.** This application under Section 482 of the BNSS, 2023, has been filed by the petitioners namely, 1) Sultan Ali, 2) Nasir@Naser Ali and 3) Jahanara, who are apprehending their arrest in connection with Hajo P.S. Case No.123/2025, corresponding to G.R. Case No.164/2025, under Sections 140(3)/110(2)/3(5) BNS, 2023.
- 3.** The gist of accusation in this case is that on 24.03.2025, one Motibor Ali had lodged an FIR against the 4(four) accused persons including the present petitioners, *inter alia*, alleging that on 22.03.2025, the accused no.1 named in the FIR in connivance with other accused persons have kidnapped the grand daughter of the first informant and have confined her at some undisclosed location. It is also alleged in the FIR that, on 23.03.2025, when the informant went to police station to lodge an FIR in connection with the incident, he was intercepted by the present petitioners nos.1 & 2 and was assaulted by punching on his forehead and also he was assaulted with a sharp weapon on his eye, causing serious injuries to his left eye.
- 4.** The learned counsel for the petitioners has submitted that the petitioners are not the main accused against whom the allegation of kidnapping has been made. They are the relatives i.e. brother, father and mother of the main accused namely, Jahinur Ali.
- 5.** It is also submitted by learned counsel for the petitioners that no specific allegation has been levelled against the petitioners no.3 and no serious injury

had occurred in the altercation as the FIR itself shows that due to intervention of the local people, the matter was resolved.

6. On the other hand, learned Additional Public Prosecutor submits that there is no material on record to indicate as to whether the victim girl has been recovered or not and the victim was 13(thirteen) years of age when she was kidnapped. He further submits that specific accusations has been levelled against the petitioners no.1 and 2 in the FIR and therefore they may not be given any protection at this stage. He also prays for calling of the Case Diary.

7. Let the Case Diary be called for.

8. In the meanwhile, considering the fact that nothing specific has been levelled against the petitioner no.3, namely, Jahanara, she is allowed to interim protection. If she is arrested in connection with Hajo P.S. Case No.123/2025, before arrival of the Case Diary, she shall be allowed to go on interim bail of Rs.30,000/-(Rupees Thirty Thousand only) with one surety of like amount subject to the satisfaction of the arresting authority.

9. Fixed this case on **29.05.2025**.

JUDGE

Comparing Assistant