

GAHC010150772025



undefined

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

Case No. : AB/1644/2025

MD. RAFIKUL HAQUE @ MD. RAFIQUUL HOQUE AND ANR
S/O- MD. ABDUR RAHMAN.
R/O- VILL.- BORGAON, P.S.- BAIHATA CHARIALI, DIST.- KAMRUP, ASSAM,
PIN-781381.

2: MD. MINARUL HAQUE @ MD. MINARUL HOQUE
S/O- MD. PAHAR ALI.
R/O- VILL.- TULAMATI
P.S.- BAIHATA CHARIALI
DIST.- KAMRUP
ASSAM
PIN-781381

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM.

Advocate for the Petitioner : MR D MEDHI, MR K THAKUR,MR. S SARKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

13-08-2025

Heard Mr. D. Medhi, learned counsel for the petitioners and Mr. B. Sarma, learned Additional Public Prosecutor, for the State respondent.

2. This is an application under Section 482 BNSS, 2023 praying for grant of pre-arrest bail to the accused/petitioners, who are apprehending arrest in connection with Missamari P.S. Case No. 61/2025 under Sections 316(3)/318(3)/324(4)/324(5)/ 351(2)/351(3) of the BNS, 2023.

3. Pursuant to the order dated 24.07.2025, the Case Diary has already been received and the petitioners have also filed an additional affidavit bringing some other documents along with the complaint lodged against the petitioners before the Officer-in-Charge of Missamari Police Station.

4. It is submitted by Mr. Medhi, learned counsel that it is a fact that there was an agreement with the complainant on 30.03.2022, whereby the vehicle of the informant was hired by the present petitioners and it was told by the informant that the monetary dealings will be settled by one Samim Mansuri, cousin brother of the informant.

5. It is further submitted that the monthly rent was fixed at Rs.50,000/- per month and upto 31.04.2024 the total outstanding rent was 12,50,000/- and out of the said amount the petitioners have already paid an amount of Rs.11,72,100/- through online to said Samim Mansuri and the petitioners have also furnished the payment details along with the additional affidavit. Mr. Medhi, learned counsel further submitted that the rest of the balance amount was paid

to the informant in cash and the vehicle was also returned to the informant.

6. He further submitted that from the FIR itself it reveals that the informant asked her cousin brother Samim Mansuri to do the monetary dealings with the present petitioners.

7. However, they are ready and willing to cooperate with the I.O. in further investigation of the case, if they are granted with some interim protection.

8. Mr. Sarma, learned Addl. PP submitted in this regard that from the materials available in the case diary, it is seen that the present petitioners asked the informant to meet them at Baihata Chariali to take the money and thereafter, they scolded her stating that she will not get any money from them and returned the vehicle in damaged condition.

9. Mr. Sarma, accordingly submitted that the custodial interrogation of the petitioners may be required for the purpose of investigation of the case.

10. After hearing the submissions of the learned counsel for both the sides and the materials available in the case diary and other aspects of the case, I find it to be a fit case to extend the privilege of interim bail to the present petitioners till receipt of the updated case diary.

11. Accordingly, it is provided that in the event of arrest of the accused/petitioners, namely, (1) Md. Rafikul Haque @ Md. Rafiqul Hoque and (2) Md. Minarul Haque @ Md. Minarul Hoque, in connection with Missamari P.S. Case No. 61/2025 under Sections 316(3)/318(3)/324(4)/324(5)/351(2)/351(3) of the BNS, 2023, they shall be enlarged on interim pre-arrest bail on their executing a bail bond of Rs.20,000/- (Rupees Twenty Thousand) each, only with one surety of the like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioners shall appear before the Investigating Officer of the case within a period of 1(one) week from today to enable recording of their statement;
- (ii) that the petitioners shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case and
- (iii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

12. List this matter on **11.09.2025** for production of the updated case diary.

JUDGE

Comparing Assistant