

GAHC010208452025



undefined

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

Case No. : AB/2289/2025

MD RAJAUL KARIM
SON OF TAMZIR ALI
RESIDENT OF VILL- SHANTI PUKHURI, P.S. SIPAJHAR
DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP, ASSAM

2:MD. INAMUL HOQUE
SON OF LATE JAHIRUDIN AHMED
RESIDENT OF VILL- 1 NO. AMGURI
P.O. BHOKELI KANDA
P.S. KALAIGAON
DIST. UDALGURI
BTR
ASSAM
PIN-78452

Advocate for the Petitioner : MR. M AHMED, MD I H LASKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

18.09.2025

- 1.** Heard Mr. M. Ahmed, the learned counsel for the petitioner. Also heard Mr. K.K. Parasar, the learned Additional Public Prosecutor appearing for the State of Assam.
- 2.** This application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioner, namely, Md. Rajaul Karim, who is apprehending his arrest in connection with Kalaigaon P.S. Case No. 30/2025, under Sections 87/3(5)/64 of the BNS, 2023 read with Section 6 of the POCSO, 2012.
- 3.** The gist of accusation in this case is that on 01.06.2025, the father of the victim girl has lodged an FIR before the Officer-in-Charge of Kalaigaon Police Station, *inter alia*, alleging that one Rafiul Karim, along with 2(two) other boys had kidnapped the minor daughter (victim) of the informant from her house in a Swift Dizere vehicle bearing Registration No. AS01-HC-3772.
- 4.** The learned counsel for the petitioner has submitted that the main accused Rafiul Karim, who is the younger brother of the present petitioner and, therefore, he has been roped in this case. He however, submits that he is in no way connected with the offence alleged in this case. He also submits that the main accused Rafiul Karim has already been released on default bail by the Court of he learned Additional Chief Judicial Magistrate, Kalaigaon.

5. The learned counsel for the petitioner submits order dated 19.07.2025 reveals that Section 6 of the POCSO Act, 2012 was added to this case only because there were materials under said Section against accused Rafiul Karim. No mention about the name of the present petitioner is there in the said order, while allowing the prayer for addition of the Section 16 in this case.

6. He, therefore, submits that there is no material against the petitioner under Section 6 of the POCSO Act, 2012 in this case. He further submits that in the meanwhile, one of the co-accused, namely, Saklin Mostak has been granted interim bail by order dated 24.06.2025, passed in AB Case No. 1429/2025. In that case, the Case Diary has been called for and the case is fixed on 26th September, 2025, along with AB Case No. 1429/2025.

7. In the meanwhile, considering the submissions made by the counsel for the petitioner, as discussed in the foregoing paragraphs, the above-named petitioner is hereby directed to appear before the Investigating Officer of Kalaigaon P.S. Case No. 30/2025 within a period of 7(seven) days from the date of this order and co-operate in the investigation. If he does so within the stipulated period of time, in the event of his arrest in connection with the aforementioned case, he shall be allowed to go on interim bail of Rs. 30,000/- (Rupees Thirty Thousand only) with a suitable surety of like amount, subject to the satisfaction of the arresting authority with following conditions that:-

- (i)** the petitioner shall co-operate in the investigation; and
- (ii)** the petitioner shall not directly or indirectly make any inducement,

threat or promise to the informant or to any other person who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

8. List accordingly.

JUDGE

Comparing Assistant