

GAHC010051252023



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

Case No. : AB/832/2023

DHRUBAJYOTI SONOWAL @ ADIL ISLAM
S/O KANDARPA SONOWAL
R/O DAKHIN GAON
P.O. KAHHILIPARA, P.S. DISPUR,
DIST. KAMRUP (M), GUWAHATI-28, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR B P BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

03-05-2023

Heard Mr. A.M. Bora, learned Senior Counsel assisted by Mr. B.P. Borah,
learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional

Public Prosecutor, Assam.

This Anticipatory Bail petition has been filed by the petitioner, namely, Dhrubajyoti Sonowal @ Adil Islam, who is apprehending his arrest in connection with an FIR dated 26.02.2023 lodged by one Fatema Khatoon, which was received and registered as Dispur P.S. Case No.356/2023 under Sections 419/494/313/356/379 of the IPC.

Learned Senior Counsel for the petitioner submits that in the FIR dated 26.02.2023 certain allegations were made that the petitioner had converted himself from Hinduism to Islam religion and married the informant and after the marriage he had forcefully taken away about Rs.8,00,000/- from the informant. That part, there is an allegation that he had administered some medicine and terminated her pregnancy. There was a further allegation that on 14.01.2023 at about 11 am he entered into her house forcefully and taken away her jewelleryes.

Learned Senior Counsel for the petitioner submits that all these allegations are false and without any basis. It is submitted that the petitioner met the informant in a restaurant in the year 2022 and thereafter, he developed a close relationship with the informant. The learned Senior Counsel for the petitioner submits that it is the informant on the contrary who demanded the money

amounting to Rs.8,00,000/- from the petitioner and forcefully entered into physical relationship with the petitioner. Accordingly, it is submitted that in connection with the Dispur P.S. Case No.356/2023 under Sections 419/494/313/356/379 of the IPC which is falsely lodged by the informant, the petitioner may be taken into custody by the investigating officer during the investigation of the case.

This Court by the order dated 14.03.2023 while calling for the case diary, granted interim bail to the petitioner.

Learned Addl. P.P. has produced the case diary today and this Court has perused the same very carefully.

The medical report available in the case diary conducted on 18.08.2022 on the informant does not reveal that the informant was pregnant. Pursuant to the grant of the interim bail, the petitioner had appeared before the police and the police had also recorded his statement.

From the case diary it is seen that the police upon investigations made at in the concerned bank has found transactions between the informant and the petitioner. There were amounts transferred by the petitioner as well as by the informant. Further, materials in the case diary reveal that the informant was aware about the petitioner's earlier marriage and his child borne out of the first

marriage.

After careful perusal of the case diary, it is seen that prima facie there are no materials available to suggest that there was any forceful termination of pregnancy. No materials are also available in the case diary to suggest that grant of bail as prayed for by the petitioner will hamper or implicate the investigation as carried on.

Accordingly, this Court makes interim bail granted to the petitioner by the order dated 14.03.2023 absolute on the same terms and conditions which are mentioned in the said order.

The anticipatory bail application is allowed and disposed of.

Return the case diary.

JUDGE

Comparing Assistant