

GAHC010098782023



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

Case No. : AB/1661/2023

MD. SAJID AKHTAR @ AKTAR
S/O LATE HABIBULAH AZMI
PERMANENT RESIDENT OF SONAR PATTY ROAD,
BHIKHARIPURA, MAUNATH BHANJAN
U.P. -275101
PRESENTLY RESIDING AT
HEDAYETPUR, MIME ACADEMY
OPP. BANI MANDIR
P.O. SILPUKHURI
P.S. CHANDMARI
GUWAHATI-781003

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MD K RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

09.06.2023

Heard Md K Rahman learned counsel appearing for the petitioner and Ms N Das, learned Additional Public Prosecutor for the State of Assam.

2. By this application filed under Section 438 CrPC, the petitioner, Md Sajid Akhtar

@ Aktar, has sought for pre-arrest bail, apprehending his arrest in connection with Latasil PS Case No. 40/2023, under Section 498A IPC, corresponding to GR Case No. 2064/2023

3. The informant has alleged in the FIR that as her husband, i.e., the petitioner has a business of clothes he used to meet various lady customers, fashion designers and models regularly and recently he has started producing music videos, to indulge in intimate and adulterous relationship with those young women. When the informant got some audio visuals of his activities with such women, she enquired him regarding the matter, he started abusing her both mentally and physically and even after 29 years of marriage, the petitioner has demanded money, landed property, luxury items like costly mobile phones, vehicles and ornaments etc. from the informant and her relatives, to fulfill his luxurious needs.

4. It is submitted by the learned counsel for the petitioner that it is a case of matrimonial dispute and the allegations against the petitioner have been made by the informant after 29 years of their marriage. He further submits that all the allegations made against the petitioner are totally baseless and as such he submits that the privilege of pre-arrest bail may be extended to the petitioner.

5. On the other hand learned Additional Public Prosecutor has submitted that the Case Diary is received, but without the statement of the victim. Therefore, she submits that necessary order(s) may be passed, taking into consideration the facts and circumstances of the case.

6. I have heard the submissions made by the learned counsel for both the parties. I have also perused the Case Diary.

7. It appears from the record that although on 23.05.2023 and 31.05.2023, this Court had directed the Investigating Officer to record the statement of victim under Section 164 CrPC, and place the same along with the Case Diary, there is no compliance of such

direction by the Investigating Officer and the Case Diary has been sent without such statement.

8. Considering the submissions made by the learned counsel for both the parties and in view of the facts and circumstances of the case, this Court is of the opinion that the privilege of pre-arrest bail can be extended to the petitioner. Accordingly, it is provided that in the event of arrest in connection with Latasil PS Case No. 40/2023, under Section 498-A IPC, the petitioner, namely, Md Sajid Akhtar @ Aktar, shall be released on pre-arrest bail on executing a bond of Rs. 10,000/- (Rupees Ten Thousand) Only, with one surety of like amount to the satisfaction of the arresting authority. The above privilege of pre-arrest bail is, however, subject to the following conditions:

- (i) the petitioner is directed to appear before the Investigating Officer within a period of 10 (ten) days from today.
- (ii) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (iii) that the petitioner 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.
- (iv) the petitioner shall not leave the jurisdiction of the Court, without prior permission of the Court. In case of violation of any of the above conditions by the petitioner, the learned Public Prosecutor is at liberty to move before this Court for cancellation of bail.

9. With the aforesaid directions, this anticipatory bail application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant