

GAHC010099302023



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

Case No. : AB/1672/2023

SYED ASIMUL HAQUE
S/O LATE SALEAN HAQUE
R/O VILL- MURARA
WARD NO. 3, RANGIA
P.S. RANGIA
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR T H HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

18.05.2023

Heard Mr T H Hazarika, learned counsel appearing for the petitioner and Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.

2. By this application filed under Section 438 CrPC, the petitioner, Syed Asimul

Haque, has sought for pre-arrest bail, apprehending his arrest in connection with Rangia Sadar PS Case No. 264 of 2023, under Sections 498(A)/307 IPC.

3. Case Diary is received, along with the injury report. Perused the same.
4. Learned counsel for the petitioner has submitted that the petitioner is a Government employee and presently, posted as Sub-Engineer, Gr.(II) and the petitioner got married to the informant/wife about 20 years back. They also have a daughter, out of their wedlock, who is about 16 years of age. On the date of incident, there was only some commotion between the petitioner, his mother and the informant/wife, as such Sections 498 (A)/307 IPC are not attracted in this case. Therefore, the learned counsel submits that the privilege of pre-arrest bail may be extended to the petitioner.
5. On the other hand learned Additional Public Prosecutor submits that considering all entirety of the matter, he has no objection if the prayer of the petitioner is allowed.
6. As per the statement of the informant, which was recorded by the Investigating Officer, it reveals that she had been married with the petitioner for the last 18 years and they have a 16-years-old daughter. After their marriage, they were leading a happy married life together, but gradually the petitioner had changed and she suspected that her husband, i.e., the petitioner had illicit relationship with another woman, as a result of which, he used to torture her both physically and mentally.
7. From the injury report of the victim, it reveals that there was abrasion in the middle finger of the left hand of the informant/wife and some bite marks were also seen in her left thigh. The doctor opined that the injuries sustained by the informant wife were simple in nature.
8. In fact, there is no allegation against the present petitioner regarding any demand of dowry. It transpires that on the date incident an altercation took place between the parties, after which the petitioner assaulted his wife, i.e., informant, as a result of which, she sustained injuries, as per the injury report.

9. In view of the above, this Court is of the opinion that the privilege of pre-arrest bail can be extended to the petitioner, Syed Asimul Haque. Accordingly, it is provided that in the event of arrest in connection with Rangia Sadar PS Case No. 264 of 2023, the petitioner, namely, Syed Asimul Haque, shall be released on pre-arrest bail on executing a bond of Rs. 20,000/- (Rupees Twenty Thousand), with one surety of like amount to the satisfaction of the arresting authority. The above privilege 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.
10. With the aforesaid observations and directions this Anticipatory Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant