

GAHC010106512023



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

Case No. : AB/1763/2023

ABDUL MANNAN
S/O HAKIM ALI
R/O SATGAON AMBARI
P.O. UDAYAN VIHAR
P.S. SATGAON
DIST. KAMRUP (M), ASSAM
VERSUS
THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A S CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

13.06.2023

Heard Mr. A.S. Choudhury, learned counsel for the petitioner and Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

2. This anticipatory bail application has been filed by the petitioner Abdul Mannan, who is apprehending arrest in connection with an FIR dated 19.02.2023 filed by the informant. The said FIR has been registered vide Satgaon P.S. Case No.41/2023 under Section 406/420/376 IPC.

3. It is submitted by the learned counsel for the petitioner that in the FIR it is

alleged that the petitioner made false promise for marriage with the informant and induced the informant to stay together with the petitioner for about the last one year or so. Steps were also taken to perform Court Marriage between the petitioner and the informant and an application to that effect was also submitted on 12.05.2022. However, the family members of the petitioner came to the house of the informant and informed them that the petitioner got married with another girl.

4. Pursuant to the lodging of the FIR, investigations proceeded in the matter and in this regard anticipatory bail application has been filed.

5. This Court earlier directed to production of the Case Diary with the 164 Statement.

6. The learned Additional Public Prosecutor has produced the Case Diary which contains the statement of the informant made under Section 164 Cr.P.C.

7. Case Diary along with the statement made have been carefully perused.

8. It is seen that in her statement under Section 164 Cr.P.C. she has implicated the petitioner that he had made a promise to marry her and they entered into physical relationship and that she also become pregnant which ultimately was aborted. However, the fact remains that both the petitioner and the informant are majors. Investigation has progressed in the matter. However, charge-sheet has not yet been filed. Perusal of the Case Diary with the statement made under Section 164 Cr.P.C. does not reveal any material at this stage of investigation which incriminates the petitioner. No materials are seen which suggests that prayer for anticipatory bail made by the petitioner cannot be granted.

9. Accordingly, this Court allows the anticipatory bail petition and orders that

in the event of arrest of the petitioner, he shall be released on furnishing a bail bond of Rs.30,000/- (Rupees thirty thousand) only with one (1) local surety of like amount subject to the satisfaction of the Arresting Authority. The bail granted however, is subjected to the following conditions:-

- (i) That the petitioner shall appear before the investigating Officer within 7 (seven) days from today;
- (ii) That the petitioner shall not hamper or tamper with the investigation in any manner;
- (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 office; and
- (iv) That the petitioner shall not leave the jurisdiction of Satgaon P.S. without obtaining prior written permission from the concerned investigating officer of the case.

10. If any of the conditions are found to be violated by the petitioner, then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the petitioner.

11. Anticipatory bail petition is accordingly disposed of.

12. Return the Case Diary.

JUDGE

Comparing Assistant