

GAHC010169722023



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

Case No. : AB/2724/2023

JEHERUL HOQUE
S/O LT. EYAKUB ALI
R/O H. NO. 21 NEAR B.T. COLLEGE,
P.O. LACHITNAGAR,
P.S. BHANGAGARH,
DIST. KAMRUP (M), ASSAM
PH. NO. 9577726468

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 30-08-2023

Heard Mr. B.Ali Sheikh, learned counsel for the applicant and also heard Ms.A. Begum, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Jalukbari P.S.Case No. 407/2023 u/s 419/498 A/506 IPC, this application under Section 438 Cr.P.C is preferred by the

applicant, namely, Jeherul Hoque for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Dipika Das on 13.7.2023.

The essence of allegation made in the FIR is that the applicant namely, Jeherul Hoque impersonated himself as a hindu person, namely, Rajiv Das and thereafter, established love relation with a girl and got her married and later on, she came to know that that the applicant belongs to Islam faith and thereafter, marital discord surface between them and the applicant subjected her to both physical and mental cruelty.

Mr. Ali learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and that the applicant has formally married the girl as per Islamic law and also registered the same and he is ready to cooperate with the investigating agency, therefore, it is contended to allow this petition.

On the other hand, Ms. Begum, learned Addl. P.P. submits that after investigation police submitted charge sheet, being Charge Sheet No. 192/2023, dated 13.8.2023, against the applicant.

In view of the above, this Court is inclined to dispose of this petition by directing the applicant to appear before the learned Court below within 15 days from today and apply for regular bail and in the event of filing such application, the learned Court below shall consider the same, in accordance with law.

Till then, it is provided that in the event of arrest of the applicant, in connection with Jalukbari P.S. Case No. 407/2023, he shall be released on pre-arrest bail on his executing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the arresting authority.

The above privilege is, however, subject to the following conditions:

1. That the applicant shall appear before the learned Court below within 15 days from today.
2. That the applicant 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 and
3. That the applicants shall not leave the jurisdiction of the learned, CJM, Kamrup, without prior permission.

JUDGE

Comparing Assistant