

GAHC010195882023



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

Case No. : AB/3021/2023

MD. RAMJAN ALI
S/O MD. ISLAM ALI
R/O VILL- GANAKJHAR
P.S. BAIHATA CHARIALI
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:MISS. RASIA BEGUM
W/O MD. RAMJAN ALI
S/OMD. ISLAM ALI
R/O VILL- GANAKJHAR
P.S. BAIHATA CHARIALI
DIST. KAMRUP
ASSA

Advocate for the Petitioner : MR G R A MOTTAQUEE

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

01.09.2023

Heard Mr. G.R.A. Mottaquee, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, appearing for the State of Assam.

This instant bail application under section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Md. Ramjan Ali, who is apprehending his arrest in view of filing of an FIR by his wife before the Officer-In-Charge of Baihata Chariali Police Station, a copy of which he has annexed as Annexure-2, along with his bail application.

Learned counsel for the petitioner has submitted that though at the time of filing of the instant bail application he was not aware as to whether any case has been registered or not on the basis of said FIR, however, the police personnel of Baihata Chariali Police Station visited the resident of present petitioner and directed him to appear in the police station in view of lodging of an FIR by his wife, wherein, it is alleged that he has subjected her to mental and physical torture.

On the other hand, learned Additional Public Prosecutor, who was requested to contact the Officer-In-Charge of Baihata Chariali Police Station, has submitted that after speaking to the Officer-In-Charge of Baihata Chariali Police Station over telephone, it was informed that no case has yet been registered against the present petitioner.

I have considered the submissions made by learned counsel for both the parties and perused the copy of FIR, which is annexed along with the bail

petition, on perusal of which it appears certain allegation of physical and mental torture has been made against the present petitioner. It also appears that the said FIR is dated 27.08.2023 and the petitioner has claimed that on 27.08.2023, police personnel of the Baihata Chariali Police Station visited his resident and asked the petitioner to appear in the police station. Though the FIR is yet to be registered, there appears to be reasonable ground for the petitioner of having an apprehension of getting arrested if any case is registered on the FIR filed by his wife.

In view of above, this anticipatory bail application is disposed of with a direction that the petitioner shall appear before the Officer-In-Charge of Baihata Chariali Police Station within 10 days from the date of this order and in the event the FIR filed on 27.08.2023 by his wife namely, Rasia Begum is registered and the present petitioner is arrested in connection with the said case he shall be allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the condition that he shall co-operate with the Investigating Officer.

With the above observation, this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant