

GAHC010205082023



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

Case No. : AB/3139/2023

BIJU AHMED
S/O- LATE RAJAT ALI,
R/O- VILLAGE GHOGA,
P.S- MUKALMUA,
SUB DIVN- NALBARI,
PIN-781126,
DIST- NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP, BY THE PP, ASSAM

Advocate for the Petitioner : MR. J AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

29.09.2023.

Heard Ms. H.G. Daisy, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Addl. P.P., Assam appearing for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure,

1973, praying for grant of pre-arrest bail to the accused/petitioner, namely, Biju Ahmed who is apprehending arrest in connection with Kayan P.S. Case No. 58/2023, under Section 366A of the Indian Penal Code.

Case Diary has been received and I have perused the same.

Heard the learned counsels for both sides.

It is submitted by Ms. H.G. Daisy, learned counsel for the petitioner that a false and concocted case is lodged against the petitioner only because of the family dispute between the parties. However, the petitioner is ready and willing to co-operate with the I.O. in the investigation of the case, if he is granted the privilege of pre-arrest bail.

In this context, Mr. B. Sharma, learned Addl. P.P., Assam has submitted that the victim has already been recovered and her statement is also recorded under Section 164 of the Code of Criminal Procedure, wherein she did not implicate the accused and as per her statement, no physical relation was also developed between the accused and the victim. Further, it is submitted that the victim has returned to her home by herself.

Considering the submissions made by learned counsels for both sides and considering the materials available in the case diary as well as the statement of the accused recorded under Section 164 of the Code of Criminal Procedure, I find it to be a fit case to extend the privilege of pre-arrest bail to the accused/petitioner, namely, Biju Ahmed in connection with Kayan P.S. Case No. 58/2023, under Section 366A of the Indian Penal Code.

Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Biju Ahmed in connection with Kayan P.S. Case No. 58/2023, under Section 366A of the Indian Penal Code, he shall be enlarged on pre-arrest bail

on executing a bond of Rs. 20,000/- (Rupees twenty thousand) only, with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:-

- (i) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case; and
- (ii) 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.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant