

GAHC010260712023



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

Case No. : AB/3952/2023

ALOMGIR AHMED
S/O JOHIRUDDIN AHMED,
VILL. AND P.O.- DIGHATARI, P.S.- GOLOKGANJ, DIST.- DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE PUBLIC PROSECUTOR.

Advocate for the Petitioner : MR. J AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

23.11.2023

Heard Mr. J. Ahmed, learned counsel for the petitioner. Also heard Ms. S. Jahan, learned Additional Public Prosecutor, Assam.

This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Alomgir Ahmed, who is

apprehending his arrest in connection with Geetanagar P.S. Case No. 230/2023 under Section 420/376 of the Indian Penal Code.

The gist of accusation against the present petitioner is that on 01.10.2020, the victim girl has lodged an FIR before the Officer-In-Charge of Geetanagar Police Station, *inter-alia*, alleging that both the victim as well as the petitioner are student of J,B Law College in Guwahati since the year 2021, and they had developed a romantic relationship amongst themselves and it is further alleged in the FIR that the petitioner with promise to marry the informant had physical relationship with the informant and thereafter started blackmailing the informant and now he has refused to marry the informant.

Learned counsel for the petitioner submits that both the informant and petitioners are adults and they had consensual romantic relationship.

It is further submitted by the learned counsel for the petitioner that due to some misunderstanding there was a break in the relationship and as a result of which the informant lodged an FIR against the present petitioner. However, the misunderstanding between them has been resolved by the intervention of their friends.

It is also submitted by the learned counsel for the petitioner that as both the informant and the petitioner were adult and bare perusal of the FIR would show that the relationship between them was of consensual nature.

Learned Additional Public Prosecutor, Assam submits that the FIR itself shows that the petitioner and the informant were in a relationship and no specific dates of alleged offence are also mentioned in the FIR. She does not oppose the prayer for anticipatory bail by the present petitioner on the ground that if the petitioner co-operate in the investigation, his custodial detention may not be required for fair completion of investigation.

Considering the submissions made by the learned counsel for the parties as well as materials available before this Court, this Court is of the considered opinion that custodial detention of the present petitioner may not be necessary, if he co-operates with the Investigating Officer in fair completion of the investigation of Geetanagar P.S. Case No. 230/2023.

In view of above, the petitioner, namely, Alomgir Ahmed is hereby directed to appear before the Investigating Officer of Geetanagar P.S. Case No. 230/2023 within a period of 10(ten) days from the date of this order and co-operate in the investigation. If he does so, within the stipulated period of time, in the event of his arrest in connection with Geetanagar P.S. Case No. 230/2023, the above named petitioner shall be allowed to go on interim bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the conditions that:-

(i) the petitioner shall not directly or indirectly make any inducement threat or promise to the victim or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court; and

(ii) the petitioner shall co-operate in the investigation.

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

JUDGE

Comparing Assistant