

GAHC010008312024



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

Case No. : AB/133/2024

INJAMAMUL HOQUE @ INJAMUL HOQUE
S/O ABUL KHAYER
R/O VILL- BARUAIL
P.S.PATHARKANDI,
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

21.06.2024

Heard Mr H R A Choudhury, learned Senior Counsel, assisted by Mr R A Choudhury, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State.

2. This application under Section 438 of the Code of Criminal Procedure, 1973 has

been filed by the petitioner, namely, Injamamul Hoque @ Injamul Hoque, who is apprehending his arrest in connection with Patharkandi P.S. Case No. 324/2023 registered under Sections 120(B)/306/376/417 of the Indian Penal Code, 1860.

3. The gist of accusation in this case is that on 31.10.2023, one Helal Uddin had lodged a complaint before the learned Chief Judicial Magistrate, Karimganj, inter-alia, alleging that his daughter who was married to one Faruk Ahmed came in contact with the present petitioner and they entered into physical relationship against her will, as a result of which daughter of the first informant got pregnant and thereafter, the petitioner refused to marry her in spite of request to marry her by the present petitioner. However, present petitioner refused to do so and on 10.10.2023 the daughter of the informant committed suicide by hanging.

4. The aforesaid complaint has been forwarded by the learned Chief Judicial Magistrate, Karimganj to the Officer-in-Charge of Patharkandi Police Station and accordingly, an FIR has been registered.

5. It is alleged in the FIR that daughter of the first informant committed suicide due to the misdeed of the present petitioner.

6. Learned Senior Counsel for the petitioner has submitted that the allegations levelled in the FIR, i.e, the complaint, are not true.

7. It is also submitted that though the complaint has been forwarded by the learned Chief Judicial Magistrate, Karimganj to the Officer-in-Charge of Patharkandi Police

Station, however, the said complaint has not been supported by any affidavit.

8. It is also submitted that the daughter of the first informant was already a married woman, therefore, the question of marrying the said lady does not appear.

9. Learned Senior Counsel for the petitioner has also submitted that though the alleged incident had occurred on 10.10.2023, the complaint was lodged by the complainant after a lapse of about 20 days.

10. I have considered the submissions at the Bar with circumspection.

11. The petitioner was granted interim bail vide order dated 12.01.2024. The petitioner has appeared before the IO and his statement has been recorded. The petitioner has not violated any bail conditions.

12. It appears that custodial interrogation of the petitioner may not be required.

13. The petitioner has pledged to cooperate with the remaining part of investigation and to abide by any stringent bail conditions, if imposed upon him.

14. In view of my foregoing discussions, interim pre-arrest bail order dated 12.01.2024, is hereby made absolute.

15. Anticipatory bail application stands disposed of.

16. Send back the Case Diary.

JUDGE

Comparing Assistant