

GAHC010025982024



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

Case No. : AB/325/2024

BASER MIYA AND ANR.
R/O VILL- SPUARIGUR,
P.S. MANIKPUR
DIST. BONGAIGAON, ASSAM
PIN-783392

2: TAJIBAR MIYA
S/O JIROL MIYA
VILL- SUPARIGURI
P.S. MANIKPUR
DIST. BONGAIGAON
ASSAM
PIN-78339

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

06.03.2024

Heard Mr. S. Ahmed, learned counsel for the petitioners. Also heard Mr. K.K. Parashar, learned Addl. P.P, Assam.

This is an application under Section 438 of Cr.PC, 1973 for granting pre-arrest bail to the petitioners, namely Sh. Baser Miya and Sh. Tajibar Miya, who are apprehending arrest in connection with Manikpur P.S Case No. 12/2024 registered under Section 366 IPC.

The case of the prosecution is that the informant lodged an FIR on 25.01.2024 alleging that on 23.01.2024, the FIR mentioned accused persons being the present petitioners' herein, eloped his younger sister from his house without their knowledge and kept her confined in their house. Accordingly, a case was registered.

Mr. S. Ahmed, learned counsel for the petitioners submits that in the meantime, the victim, i.e. Nalbanu Khatun, who is a major, has married the petitioner No. 1.

Mr. K.K. Parashar, learned Addl. P.P, Assam submits on the basis of the statement recorded under Section 164 Cr.PC that she admits that she was in love with the petitioner No. 1 and accordingly eloped with him, since her family was trying to get her married to someone else. She further admits in her aforesaid statement that she has now married to the petitioner No. 1.

I have heard the submissions made at the bar and have perused the materials available on record.

Considering the facts and circumstances of the case, it is provided that in the event of arrest, the petitioners named above shall be released on pre-arrest bail in connection with the above noted case on furnishing bail bond of Rs. 15,000/- with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:-

- (i) That the petitioners shall appear before the Investigating Officer.
- (ii) That the petitioners 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.

With the above observation and direction, the anticipatory bail application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant