

GAHC010027222024



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

Case No. : AB/331/2024

KAJIMUDDIN MIAH AND ANR.
S/O KOLIMUDDIN
R/O VILL- CHAGOLIA, P.O. AND P.S. CHAGOLIA, IN THE DISTRICT OF
DHUBRI, ASSAM

2: KHOYBOR ALI
S/O KAJIMUDDIN MIAH
R/O VILL- CHAGOLIA
P.O. AND P.S. CHAGOLIA

IN THE DISTRICT OF DHUBRI
ASSA

VERSUS

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

Advocate for the Petitioner : MR A U AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 09.05.2024

Heard Mr. A. U. Ahmed, learned counsel for the petitioners. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent and Mr. M. A. I. Hussain, learned counsel appearing on behalf of the informant.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioners, who have been apprehending arrest in connection with Golokganj P.S. Case No. 465/2023, G.R. No. (1953/2023), registered under Sections 376/325/506/34 of the Indian Penal Code.

It is submitted by Mr. Ahmed, learned counsel for the petitioners, that the accused/petitioners are innocent and they are no way involved in the alleged offence. However, after a quarrel between the family members and due to some misunderstanding as well as on instigation of some elderly persons, the F.I.R. was lodged by the informant with some false and concocted allegations. But, at present, they are living peacefully. However, both the accused/petitioners are ready and willing to co-operate with the I.O. in the further investigation of this case if they are granted with the privilege of pre-arrest bail.

In this context, Mr. B. Sharma, learned Additional Public Prosecutor, has submitted that in pursuant to the order dated 13.03.2024, the statement of the

victim has been recorded again under Section 161 Cr.P.C. on 17.03.2024, wherein she stated that after a quarrel between the family members, she lodged the F.I.R. only due to some misunderstanding.

In this regard, Mr. M. A. I. Hussain, learned counsel appearing on behalf of the informant, has also submitted that the F.I.R. was lodged only due to some misunderstanding. But, at present, the informant has no objection if the accused/ petitioners are granted with the privilege of pre-arrest bail. Rather, they are living peacefully in the same house and she has no grievances against the present accused/petitioners.

After hearing the submissions made by the learned counsels for both sides and also considering the entire aspects of the case as well as the statement of the victim recorded under Section 161 Cr.P.C., I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioners. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioners vide order dated 03.04.2024, is hereby made absolute in the same terms and conditions.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant