

GAHC010027292024



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

Case No. : AB/326/2024

ABDULLAH SHEIKH
S/O HARAN ALI
JURIPAR (NEAR BYLANE 20)
PANJABARI, SIXMILE, ASSAM
P.O. DISPUR,
PIN-781037

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 23.02.2024

Heard Mr. AY Choudhury, learned counsel for the petitioner and Mr. KK Das, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 438 Cr.P.C., filed by the petitioner, Abdullah Sheikh, praying for pre- arrest bail, who is apprehending arrest in connection with Dispur P.S. Case

No. 2362/2023 under Section 366 IPC.

Case diary is received and perused.

Also perused the materials on record and the annexures appended thereto.

Heard both sides.

It is submitted by Mr. Choudhury, the learned counsel for the petitioner that family of the victim and the petitioner are residing in the same campus and the petitioner is working as labourer and on the alleged date of incident, the victim went to visit her relatives' house and the petitioner only helped her for going to her relatives' house and he has committed no offence as alleged in the FIR. However, the victim has already been recovered and her statement under Section 164 Cr.P.C. has already been recorded and there is a village Bichar wherein the matter was amicably settled on compromise. He further submits that the petitioner is ready and willing to co-operate with the I.O., if the privilege of pre-arrest bail is granted to him.

In this context, Mr. Das, the learned Addl. PP has submitted that the victim has already been recovered and her statement under Section 164 has also been recorded wherein she has stated that she went to the petitioner at her own volition. However, there are materials available in the case diary as the victim is still minor.

Considering the submissions of the learned counsel for the parties and considering the materials available in the case diary as well as in the record and also considering the facts and circumstances of the case, this Court is of the view that the benefit of pre-arrest bail may be extended to the petitioner.

Accordingly it is provided that in the event of arrest of the petitioner in connection with the aforementioned case, the petitioner be released on pre-arrest bail on furnishing a bond of Rs. 20,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the following conditions that:-

1. the petitioner shall appear before the I.O. within 7 days from today.
2. the petitioner shall make themselves available for interrogation by the Investigating Officer as and when required;

3. 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 any other police officer, and
4. the petitioner shall not hamper the investigation or temper with the evidence of the case.

Return the case diary.

In terms of the above direction, the bail application is disposed of.

JUDGE

Comparing Assistant