

GAHC010041342024



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

Case No. : AB/498/2024

INJAMUL HAQUE @ INZAMAMUL HAQUE
S/O JAYNUL ALI,
RESIDENT OF VILLAGE DIGHELI, PS BARAMA, DIST BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR S PAUL

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

18.03.2024

Heard Mr. S. Paul, learned counsel appearing for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure,

1973 for granting anticipatory bail to the petitioner, namely **Injamul Haque @ Inzamamul Haque**, in connection with **Barama P.S. Case No. 150/2023**, registered under Sections **294/323/376/34** of the Indian Penal Code, 1860.

3. The case of the prosecution in brief is that an FIR was lodged on 26.12.2023 alleging inter-alia that the accused no. 1 i.e. petitioner was in relationship with the informant since last four years. It is further alleged that after the informant attained the age of 19 years, the petitioner incited her to get married. It is further alleged that the informant cleverly took her to Rangia, wherein, the informant told her that he would marry her and thereafter, called her father from Rangia. It is further alleged that petitioner cleverly took her signature in a notary. It is further alleged that thereafter the petitioner took her to his home at Rangia where he kept her for two days and raped her and assaulted her and left the house leaving her in his house.

4. Mr. S. Paul, learned counsel for the petitioner submits that the allegations levelled are totally incorrect and the petitioner has been falsely implicated in the offence alleged.

5. Mr. P. Borthakur, learned Addl. P.P. on the other hand strongly opposes the prayer of anticipatory bail. He further submits that the statement of the informant has been recorded under Section 164 Cr.P.C. He further submits that the investigation has substantially progressed.

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

7. It appears that the investigation has substantially progressed and the statement of the witnesses including the victim/informant has already been recorded.

8. Considering the facts and circumstances of the case, it is provided that in the event of arrest, the petitioner named above, shall be released on pre-arrest bail in connection with the above noted case, on furnishing bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions-

- (i) That the petitioner shall appear before the investigating officer within 10 days, failing which on and from the 11th day, the pre-arrest bail order has no force; and
- (ii) That 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 to any police officer, and
- (iii) That the petitioner shall refrain from such activities with which he has alleged.

9. Return the case diary.

10. This disposes of anticipatory bail application.

JUDGE

Comparing Assistant