

GAHC010041472024



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

Case No. : AB/517/2024

SANIDUL ISLAM
S/O GULAP HUSSAIN
VILL- SHILGHAGRI
P.S. MANIKPUR
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 19-04-2024

Heard Mr. M. I. Hussain, learned counsel for the petitioner. Also heard Mr. D. Das learned Additional Public Prosecutor appearing on behalf of the state respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the

accused/petitioner, namely Sanidul Islam, who is apprehending arrest in connection with Manikpur P.S case No. 15/24 under Section 354(D)/376/511 of the Indian Penal Code.

Case Diary is received. Perused the same.

It is submitted by the learned counsel for the petitioner that he is innocent and no way connected in the alleged offence. From the statement made in the FIR itself it is seen that it is not a case of 376 though some allegations of molestation has been brought against the present petitioner. He further submits that both the victim and the accused were in love affairs and it is a fact that he wanted to marry her even his parents made a proposal to marry the victim. But subsequently, due to pressure from her family, she refused to marry the present accused petitioner and the present FIR has been lodged against the petitioner with some false and concocted allegation. However, he is ready and willing to cooperate the I/O if he is granted with the privilege of pre-arrest bail.

In this context, Mr. D. Das learned Additional Public Prosecutor has submitted that from the statement made by victim under Section 161 and 164 Cr.P.C. sufficient incriminating materials are found against the accused petitioner and due to the misdeed of the present petitioner she is not in a position to attend her school. And in such kind of offences, if anticipatory bail is granted to the present petitioner, wrong message will go to the society and therefore, the learned Additional Public Prosecutor has made objection in granting the privilege of pre-arrest bail to the accused petitioner.

Hearing the submission made by the learned counsel for both sides and on perusal of the case diary it is seen that the victim did not have any

love affairs with the accused petitioner nor she is ready to marry the present petitioner rather she is afraid of attending school due to harassment made by the accused petitioner.

Considering the materials available by the case diary and submissions made by the learned counsel for both parties, I do not find it a fit case to extend the privilege of pre-arrest bail to the petitioner and accordingly, the same stands rejected.

Return the case diary.

JUDGE

Comparing Assistant