

GAHC010066182024



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

Case No. : AB/842/2024

ASHRAB ALI
S/O LATE RAIJUDDIN SK., R/O VILL- BAJERALGRA PT.II (DOCAIT PALAT),
P.S.-FAKIRAGANJ, DIST-SOUTH SALMARA, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:ROHIMA KHATUN
W/O AMINUR ISLAM
R/O VILL- BILASHPUR TAKUWAMARI
P.S. AND DIST- BONGAIGAON
ASSA

Advocate for the Petitioner : MR. M KHAN
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

08.04.2024

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor appearing for the State respondent No.1 and Mr. A. Rahman, learned counsel appearing for the respondent No.2.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioners, namely, **Ashrab Ali @ Asrab Ali Ahmed**, in connection with **Special (P) Case No. 137(BGN)/2023**, pending in the court of **Special Judge, Bongaigaon** arising out of **Bongaigaon PS Case No. 58/2023** registered under **Section 17 of POCSO Act R/W Section 9/10 of the Prohibition of Child Marriage Act.**

It is submitted by the learned counsel for the petitioner that the petitioner is the father-in-law of the victim. As per relevant document, the victim is now more than 18 years of age. The son of the petitioner got married to the victim and after their marriage they lived together as husband and wife and subsequently, one child was born. Since then they are living their conjugal life peacefully. It is also submitted by the learned counsel for the petitioner that as the charge-sheet was submitted, the petitioner will face trial and considering the background of the case, benefit of pre-arrest bail may be granted to the petitioner.

On the other hand, Mr. R. R. Kaushik, learned Additional Public Prosecutor and Mr. Rahman, learned counsel appearing for the respondent No.2 has no objection if the petitioner is released on bail.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

Considering the facts as well as the materials available thereon, this Courts finds that custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, he may be granted the privilege of pre-arrest bail.

Accordingly, 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. 20,000/-** with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioners:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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.

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant