

GAHC010073992024



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

Case No. : AB/954/2024

MD MOZAMMEL HOQUE
S/O MD. NUR HUSSAIN, R/O LALKURA PT-II, P.O.-SAHEBGANJ
NAICHERKUTI, P.S.-GAURIPUR, DIST-DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D SARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 20-05-2024

- 1.** Heard Ms. D. Devi, learned counsel for the petitioner.
- 2.** 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, Md. Mozammel Hoque who is apprehending arrest in connection with Gauripur P.S.

Case No. 87/2024, under Section 376 of the Indian Penal Code corresponding to GR Case No. 291/2024.

- 3.** Heard Mr. R.R. Kaushik, learned Addl. PP, Assam.
- 4.** The learned Addl. PP has raised objection stating that the statement of the victim u/s 164 Cr.PC incriminates the petitioner.
- 5.** I have considered the submissions at the Bar with circumspection.
- 6.** It is submitted at the Bar that the love affair between the petitioner and the victim is an admitted fact but later he went to pursue his studies in a Madrasa and thereafter he refused the proposal of marriage and he got married to another girl. This FIR has been lodged out of grudge.
- 7.** I have scrutinised the Case Diary. The Case Diary reveals that investigation has also progressed to a considerable extent. The merits of the case are not brought to the fore. The petitioner was already granted interim bail on 09.04.2024. The petitioner has appeared before the IO and he has co-operated with the investigation. The petitioner has not violated any bail condition.
- 8.** Considering the progress of investigation and considering the fact that the petitioner is willing to co-operate with the investigation, the interim order dated 09.04.2024 is hereby made absolute.

Send back the Case Diary.

JUDGE

Comparing Assistant