

GAHC010083922024



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

Case No. : AB/1087/2024

MONTAZ ALI AHMED @ MONTAZ ALI
S/O LT. JOYNAL ABEDIN
VILL- KAZAIKATA PART-V,
P.S. BILASIPARA,
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 21-05-2024

- 1.** Heard Mr. A.M. Khan, 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,

Montaz Ali Ahmed @ Montaz Ali who is apprehending arrest in connection with Bilasipara P.S. Case No. 76/2024, under Section 376(1)/316 of the Indian Penal Code.

- 3.** Heard Mr. B.B. Gogoi, learned Addl. PP, Assam.
- 4.** The allegation against the petitioner is that he cheated the victim with false promise of marriage and induced her to have physical relationship with him against her will. It is further alleged that the victim was also administered medicine when she informed the petitioner that she was pregnant.
- 5.** The learned Addl. PP has raised objection stating that there are incriminating materials in the Case Diary against the petitioner.
- 6.** I have scrutinised the Case Diary. Investigation has progressed to a considerable extent. The merits of this case is not brought to the fore. The petitioner who is on interim bail, has appeared before the IO. The petitioner has co-operated with the investigation. He is not a flight risk as he is a local resident. It appears that custodial interrogation may not be necessary for the progress of investigation.
- 7.** Considering all aspects and in view of my foregoing discussions, the interim order dated 26.04.2024 is hereby made absolute.

Send back the Case Diary.

JUDGE

Comparing Assistant