

GAHC010084332024



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

**Case No. : AB/1105/2024**

HABIBUR RAHMAN  
S/O SHAHAR ALI,  
VILL.- TAKIMARI GREJING RESERVE, P.O.- TAKIMARI, P.S.- LAKHIPUR,  
DIST.- GOALPARA, ASSAM, PIN- 783129.

VERSUS

THE STATE OF ASSAM  
REP. BY P.P., ASSAM.

**Advocate for the Petitioner : MR. M HUSSAIN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**  
**ORDER**

**12.06.2024**

Heard Mr M Hussain, learned counsel for the petitioner, Habibur Rahman, who has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with PRC Case No. 972/2023, under Section 366 IPC, arising out of Lakhipur PS Case No. 242/2023, registered under Section 366 IPC.

3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam/respondent.

4. It is submitted on behalf of the petitioner that earlier this case was registered under Section 363 IPC and the petitioner was on Police bail. Thereafter, charge sheet was submitted under Section 366 IPC.
5. It is also submitted on behalf of the petitioner that the victim went with the petitioner on her own volition and the petitioner has not committed any offence under Section 366 IPC.
6. I have considered the submissions at the Bar with circumspection.
7. I have perused the scanned copies of the Trial Court Record as well as the statement of the victim recorded under Section 164 CrPC.
8. I have considered the submission that the petitioner is willing to cooperate with the trial.
9. The case is at the stage of appearance. The petitioner is apprehending arrest as he is booked under a sessions triable case.
10. Considering all aspects and in view of my foregoing discussions, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail of Rs. 50,000/-, with a suitable surety of the like amount to the satisfaction of the learned CJM, Goalpara.
11. Bail Application stands disposed of.

**JUDGE**

**Comparing Assistant**