

GAHC010099622024



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

Case No. : AB/1306/2024

HASEN ALI
S/O LATE NAZIMUDDIN
R/O VILL- BHABURIA BHITHA
P.S. CHHAYGAON
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. S ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

03.06.2024

- 1.** Heard Mr. S. Islam, learned counsel for the petitioner, Hasen Ali.
- 2.** This application has been filed under Section 438 of the Cr.PC with a prayer for pre arrest bail as he is apprehending arrest in connection with

Sualkuchi River P.S. Case No. 25/2024 under Section 370(2)/34 of the IPC.

- 3.** Heard Ms. A. Begum, learned Additional Public Prosecutor, Assam.
- 4.** It is submitted on behalf of the petitioner that the victim willingly on her own volition went with the petitioner, as she was in a relationship with the petitioner out of marriage.
- 5.** It is submitted that the petitioner is willing to co-operate with the investigation and he is not a flight risk.
- 6.** The learned Additional Public Prosecutor has raised serious objections stating that there are incriminating materials in the Case Diary against the petitioner.
- 7.** I have scrutinized the Case Diary and indeed there are incriminating materials in the Case Diary against the petitioner.
- 8.** The gravity of the offence as alleged, does not entitle the petitioner to pre arrest bail.
- 9.** Hence, the petition is rejected at this stage.
- 10.** Send back the Case Diary.

JUDGE

Comparing Assistant