

GAHC010100142024



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

Case No. : AB/1310/2024

EDDRISH ALI
S/O LATE ABDUL JABBAR MOLLAH
R/O VILL- RAJAPARA PT. I
P.O. AND P.S. BAGRIBARI
DIST. KOKRAJHAR, ASSAM,
PIN- 783349

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

20.06.2024

Heard Mr M U Mahmud, learned counsel for the petitioner, Eddrish Ali, who has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Bagribari PS Case No. 43/2024, registered under

Sections 447/448/323/420/ 354/376/511 of the Indian Penal Code, 1860.

3. Heard Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam.

4. The FIR unfolds that on 04.03.2024, at about 08:00 pm, the petitioner entered into the house of the victim when she was alone with her mother. The petitioner then outraged her modesty and broke her mobile handset. Due to the scuffle, the victim's right ring finger got fractured. She raised alarm and the neighbours rescued her. The petitioner tried to escape, but the neighbours caught him. On being confronted, the petitioner agreed to marry the victim. The Kazi was also called over phone and their marriage was registered by the Kazi. Thereafter, the petitioner went back to his house and promised that he will maintain the victim as his wife, but he neglected to maintain the victim.

5. It is submitted on behalf of petitioner that earlier the petitioner lodged an FIR, which was registered as Bagribari PS Case No. 21/2024, registered under Sections 120B/324/327/347/352/384/420/34 IPC and charge sheet was also laid against the victim and the co-accused and they were forwarded to custody. After the victim was released on bail, she then filed a complaint petition, which was lodged as the present FIR.

6. Annexure-3 series is the FIR against the victim/informant.

7. The learned Additional Public Prosecutor has submitted that the injury report reveals that the victim has not sustained any injuries.

8. I have scrutinized the Case Diary.

9. After considering the Case Diary, it appears that anticipatory bail may be granted to the petitioner.

10. Investigation has progressed to a considerable extent.

11. The petitioner is willing to abide by any stringent conditions, if imposed upon him. The petitioner is not a local resident and he is not a flight risk.

12. 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/- each, with one surety of like amount to the satisfaction of the arresting authority, under the conditions that:-

- i) the petitioner shall appear before the IO within 7 (seven) days from today and cooperate with the investigation, and
- ii) the petitioner shall not exercise threats to the witnesses.

On breach of any of the bail conditions, the bail order shall stand cancelled.

15. Bail Application stands disposed of.

16. Send back the Case Diary.

JUDGE

Comparing Assistant