

GAHC010104662024



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

Case No. : AB/1368/2024

BODIOT JAMAN @ BADIT JAMAL
S/O NESARUDDIN SHEIKH, R/O KANAIMARA PART-II, P.S.-SOUTH
SALMARA, DIST-SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 28.06.2024

Heard Mr. HRA Choudhury, learned senior counsel for the petitioner.

The petitioner, namely, Bodiote Jaman @ Badit Jamal has filed this application under Section 438 Cr.P.C. with prayer for pre-arrest bail as he is apprehending arrest in connection with Paltanbazar Police Station Case No. 86/2024 under Section 366 of the IPC.

Heard Mr. D.P. Goswami, learned Addl. P.P., Assam for the State respondent.

The allegation has been levelled against the petitioner by the brother-in-law of the victim who has lodged an FIR that on 23.02.2024 the victim went to collect daily wages from the petitioner at about 7 PM and thereafter the victim disappeared. Both the mobile phones of the victim and the petitioner were

found to be switched off. On 03.03.2024, the brother-in-law who has lodged the FIR went to the petitioner's house searching for his sister-in-law but the petitioner escaped from his residence, the moment the informant approached the petitioner's residence.

It is submitted that the FIR was lodged, based on suspicion. The petitioner is a reputed contractor and his image will be tarnished if he is arrested in connection with a false case. He has been working as a contractor but there were no complaints from any worker at any point of time against the petitioner.

I have considered the submissions at the Bar with circumspection.

It is submitted that the victim went to collect her wages on 23.02.2024 and the FIR was lodged on 05.03.2024 i.e. after 10 days.

I have considered the submission that the petitioner is willing to co-operate with the investigation. The petitioner is a local resident. It is also submitted at the Bar that the case is lodged mainly on suspicion. During registration of this case, the note of the I.O. reflects that the petitioner might have committed the offence. The petitioner has drawn out sufficient grounds for interim bail.

I have scrutinised the case diary.

The petitioner has appeared before the Investigating Officer and has cooperated with the investigation. The petitioner has not violated any bail conditions.

In view of above, the interim bail order dated 29.05.2024 is made absolute in the same terms and conditions.

With the above observations and directions, the anticipatory bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant