

GAHC010106622024



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

Case No. : Bail Appln./1552/2024

JINNAT ANAM
S/O LT. ABUL KHEYAR ANAM, H/NO.-G-14, BRAHMAPUTRA HOUSING
SOCIETY, HATIGAON, GUWAHATI, ASSAM, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. T J MAHANTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

07.06.2024

Heard Mr T J Mahanta, learned Senior Counsel for the petitioner, Jinnat Anam.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973, with prayer for bail, as he is behind bars since 30.04.2024, in connection with Hatigaon PS Case No. 83/2024, corresponding to GR Case No.

2476/24, under Section 376 of the Indian Penal Code, 1860.

3. Heard Mr P S Lahkar, learned Additional Public Prosecutor for the State of Assam.
4. The allegation against the petitioner is that he observed *nikaah* with the victim and thereafter, promised to observe social marriage with the victim. The victim with such misconception of facts entered into a relationship with the petitioner, but the petitioner cheated the victim and did not observe social marriage with the victim.
5. The learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner.
6. I have scrutinized the Case Diary.
7. Indeed, there are incriminating materials in the Case Diary against the petitioner.
8. However, investigation has progressed to a considerable extent.
9. It appears that further custodial detention may not be required for the progress of investigation.
10. The petitioner is a local resident and he has pledged to cooperate with the remaining part of investigation.
11. Considering all aspects, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/-, with one surety of the like amount to the satisfaction of the learned CJM, Kamrup (Metro).
9. With the above directions, this bail application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant