

GAHC010117312024



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

Case No. : Bail Appln./1708/2024

MD. AFJAL HUSSAIN
S/O AZIZUR RAHMAN
VILL- GANDHIYA BALAPARA,
P.S. BELSOR,
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR N BARMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

20.06.2024

Heard Mr N Barman, learned counsel for the petitioner.

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 26.04.2024, in

connection with Belsor PS Case No. 57/2024, corresponding to GR No. 388/2024, registered under Sections 493/376/354B/506/509/323/34 of the Indian Penal Code, 1860.

3. Heard Mr B Sharma, learned Additional Public Prosecutor for the State of Assam.
4. The allegation against the petitioner is that he induced the victim with false promise of marriage and had physical relationship with the victim.
5. It is submitted on behalf of the petitioner that a false case has been slammed against the petitioner. The victim and the petitioner had a love relationship.
6. The learned Additional Public Prosecutor has submitted that the Case Diary reveals that the petitioner is married to the victim.
7. I have considered the submissions at the Bar with circumspection.
8. I have also perused the statement of the victim under Section 164 CrPC.
9. Considering all aspects and in view of my foregoing discussions, 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, Nalbari.
12. Bail Application stands disposed of.
13. Send back the Case Diary.

JUDGE

Comparing Assistant