

GAHC010117452024



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

Case No. : AB/1534/2024

SIMANATA BORO
S/O LATE MIKIR BORO, R/O ANDHERJULI, P.O.-RANI, P.S.-PALASHBARI,
DIST- KAMRUP, ASSAM, PIN-781131

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P D NAIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 15-07-2024

Heard learned counsel Mr. G. Alam for the petitioner, Simanta Boro.

2. This application has been filed by the petitioner under Section 438 of the Cr.PC with prayer for pre-arrest bail as he is apprehending arrest in connection with Palashbari P.S. Case No. 177/2024 under Sections 420/344/366 of the IPC.

3. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State.
4. The FIR unfolds that the petitioner had a love relationship with the informant. On 29.11.2023, the petitioner took the informant with false promises of marriage. Thereafter, the petitioner started to subject the informant to cruelty and after 1½ months, the petitioner drove out the informant from his house.
5. It is submitted on behalf of the petitioner that no case under Sections 420/344/366 of the IPC is made out.
6. It is submitted that, the victim on her own volition went to the petitioner's house and she was staying with him.
7. As per customary rites, a community meeting was held and a date was fixed for marriage, Annexure-2 is the minutes of the meeting with signature of the members present in the meeting, and Annexure-3 is the marriage invitation card as a date for marriage was fixed on 01.03.2024, as per discussions held on 21.11.2023.
8. It is further submitted that no case under section 420 of the IPC has been made out against the petitioner as there is no instance of cheating and the petitioner is willing to marry the informant, but the informant is not willing to marry the petitioner and she has slammed a false case against the petitioner.
9. I have considered the submissions at the bar with circumspection. I have also perused the Case Diary.
10. The petitioner has appeared before the Investigating Officer and has cooperated with the investigation. The petitioner has not violated any bail conditions. Hence, the interim order dated 12.06.2024 is hereby made absolute.

11. In the above terms, this Anticipatory Bail application stands disposed of.
12. Send back the Case Diary.

JUDGE

Comparing Assistant