

GAHC010125592024



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

Case No. : AB/1658/2024

TAIZUDDIN
S/O LATE KHORSED ALI, R/O VILL- SHARIATPAR, MOUZA- TITAPANI, P.S.-
KALGACHAI, DIST- BARPETA, ASSAM, PIN NO.-781319

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:AKLIMA KHATUN
D/O NUR MAHAMMAD
R/O VILL- NADIAPARA
MOUZA-TITAPANI
P.S.-KALGACHIA
DIST- BARPETA
ASSAM
PIN -78131

Advocate for the Petitioner : MR. A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

27.06.2024

Heard Mr. S. Islam, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P, Assam.

This is an application under Section 438 of Cr.PC, 1973 for granting of the privilege of pre-arrest bail to the petitioner, namely Taizuddin, who is apprehending arrest in connection with PRC Case No. 720/2023 arising out of Kalgachia P.S. Case No. 849/2017.

The case of the prosecution is that on 28.12.2017, the informant lodged an FIR alleging inter alia that the accused/petitioner, who is the father-in-law of the informant alongwith the co-accused grabbed her from behind and made her sit on a chair against her will and rapped her by gagging her mouth. Accordingly, the FIR was registered.

Mr. S. Islam, learned counsel for the petitioner submits that the FIR was lodged due to misunderstanding and the informant upon realizing the same, deposed before the NOTARY PUBLIC, Barpeta to the effect that she will file an application before the District & Sessions Judge, Barpeta in this regard.

Mr. P. Borthakur, learned Addl. P.P fairly submits that if the petitioner co-operates with the trial, he does not have any objection to the grant of anticipatory bail, subject of course that necessary conditions are imposed.

I have heard the parties at length and perused the materials available on record.

It appears that the investigation is already completed and Charge-sheet has also been submitted before the Trial Court and summons for appearance has also been issued by the Trial Court.

It further appears that there are documents annexed to the anticipatory bail application to suggest that the informant, due to misunderstanding, had lodged the instant FIR.

In view of the aforesaid, this Court is of the considered opinion that custodial interrogation of the petitioner may not be justified at this stage.

As such, the prayer for anticipatory bail application stands allowed.

Accordingly, it is provided that in the event of arrest, the petitioner named above, shall be released on pre-arrest bail in connection with the above noted case on furnishing bail bond of Rs. 25,000/- with one surety of like amount to the satisfaction of the CJM, Barpeta, subject of course to the following conditions:-

- (i) That the petitioner shall appear before the Trial Court on each date fixed.
- (ii) That the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to

the Court or to any Police Officer; and

(iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

With the above observation and direction, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant