

GAHC010127772024



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

Case No. : AB/1647/2024

ABDUL HALIM
S/O OSMAN GONI
VILL- GHORAMARA PART-II
P.O. RANGAPANI AND P.S. MERECRCHAR, DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP , ASSAM

Advocate for the Petitioner : MR. A S TAPADER, MR M AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 17.09.2024

Heard Mr. A.S. Tapader, learned counsel appearing for the petitioner as well as Mr. K.K. Parasar, learned Additional P.P. for the State of Assam.

2. This is an application under section 438 of the Cr.P.C. praying for grant of pre-arrest bail in respect of Mererchar P.S. Case No. 32/2024.

3. A 19 year old girl was coming home from college. On the road, the petitioner allegedly met her and promised her that he will marry her and on that promise, he took the girl to his home in his car. There she was kept for 3 days. After that, she was brought home by her relatives.
4. Initially the girl did not know that the present petitioner was already married having children. Subsequently, she came to know about the said fact.
5. In her statement recorded u/s 164 of the Cr.P.C., the girl has implicated the petitioner like the contents of the FIR.
6. I have considered the submissions made by the learned counsels of both sides.
7. A plain reading of the FIR shows that the 19 year old girl stayed in the house of the petitioner for 3 days, but she never tried to escape. She seems to be a consenting party to the act of the petitioner.
8. For the aforesaid reasons, the custodial interrogation of the petitioner is not necessary. Therefore, his bail application is allowed.
9. The interim bail granted in favour of the petitioner on 26.06.2024 is hereby made absolute.
10. The petitioner shall co-operate with the Investigating Officer as and when called for.
The bail application accordingly stands disposed of.
The CD shall be returned.

JUDGE

Comparing Assistant