

GAHC010145162024



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

Case No. : AB/1895/2024

RAJUDDIN SHEIKH AND 3 ORS.
S/O HARAN ALI
R/O TUSPARA, P.S. BILASIPARA
DIST. DHUBRI, ASSAM

2: HARAN ALI
S/O LATE AMIR HAMJA
R/O TUSPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

3: AFZAL ALI @ AFZALUR RAHMAN
S/O HARAN ALI
R/O TUSPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

4: TARIFJAN BIBI
W/O HARAN ALI
R/O TUSPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY, MR. M. ALOM, MR. S R ISLAM

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

20.08.2024

Heard the learned counsel Mr. B. Chowdhury appearing for the petitioners. I have also heard Mr. P.S. Lahkar, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of Bilasipara P.S. Case No.164/2024, registered under Sections 325/376 of the Indian Penal Code.

3. One 18 year old girl was having a relationship with the petitioner Riajuddin Sheikh aged about 19 years. They had physical relationship on multiple occasions. On 24.06.2024, Riajuddin Sheikh called the girl to his house at mid night. She complied with the said request. There, they had physical relationship in the house of Riajuddin Sheikh. After that, the parents and elder brother of Riajuddin Sheikh appeared in the scene. They beat up the girl.

4. I have gone through the statement of the victim girl that was recorded under Section 183 of BNSS, 2023.

5. This Court is of the opinion that the victim was a consenting party to the act of the petitioner Riajudin Sheikh. Apart from that, there are no incriminating materials against other petitioners. Therefore, the pre-arrest bail application of

the petitioners is allowed.

6. The interim bail granted to them on 25.07.2024 is made absolute.

The application for bail stands disposed of.

Case diary shall be returned.

JUDGE

Comparing Assistant