

GAHC010147092024



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

Case No. : AB/1909/2024

MONISUR RAHMAN
S/O JALIBAR RAHMAN
R/O VILL- JOGIR MAHAL PT.I
P.S. GAURIPUR
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED, MR A AHMED,U U KHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 06.08.2024

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

This is an application under Section 482 of the BNSS, 2023 praying for

grant of pre-arrest bail.

The petitioner was charge-sheeted in a case under Section 376 of the Indian Penal Code. After filing of the charge sheet, the trial court issued summons to the petitioner. He now apprehends that whenever he will appear before the trial court, he will be remanded to custody.

The factual matrix leading to filing of the FIR is like this –

The 22 year old girl has alleged that the petitioner has promised that he will marry her and on that pretext, he had physical relationship with her. On one occasion, i.e. on 14.11.2021 at about 5.30 PM, some relatives of the girl saw her with the petitioner in compromising position. Thereafter, the girl has lodged the FIR.

This Court is of the opinion that under the given circumstances of the case, the petitioner does not deserve to be detained in custody. Therefore, his anticipatory bail application is allowed.

It is hereby directed that on appearance of the petitioner before the trial court, the petitioner, namely, Monisur Rahman shall be released on bail of Rs. 20,000/- with a surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate (S), Dhubri.

The anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant