

GAHC010149072024



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

Case No. : AB/1944/2024

LAKIBUL ISLAM
S/O LATE ABDUL RAHIM
VILL- PACHIM BHADRAGAON
P.O. TILAKGAON
P.S. AND DIST. BONGAIGAON,
PIN-783372

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K M HASSAN, MR. M AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 21.08.2024

Heard Mr. KM Hassan, learned counsel for the petitioner and Mr. D.P.Goswami, learned Addl.P.P. for the State respondent.

By this petition filed under Section 482 of the Bharatiya Nagarik Surakshya

Sanhita, 2023, the petitioner, namely, **Lakibul Islam** has prayed for granting pre-arrest bail, apprehending arrest in connection with **Bongaigaon P.S. Case No.247/2024** under Section 64(1) of the Bharatiya Nayaya Sanhita, 2023 read with Section 4/5 of the Immoral Traffic (Prevention) Act.

Learned counsel for the petitioner submits that petitioner is the husband of the victim/informant and his 15 years of married life with the victim, three children were born. Whatever she has stated in the FIR is false and concocted and as such, the petitioner may be granted the privilege of pre-arrest bail.

Learned Addl.P.P. has vehemently opposed in granting bail to the petitioner and produced the case diary along with statement of the victim recorded u/s 164 CrPC.

Having heard learned counsel for the parties and on perusal of the case diary including the statement of the victim recorded under Section 164 CrPC, it reveals that victim is the wife of the petitioner and they lived together as husband and wife for 15 years. Out of their wedlock, three children were born. During such period of her stay in her matrimonial home, the petitioner brought some unknown persons at home and forced her to do sexual activity with such unknown persons and out of fear and threaten of her husband, she did so. Subsequently, she informed the matter to her mother and her elder brother lodged the FIR.

This court finds sufficient incriminating materials against the petitioner as regards his complicity in the alleged offence. Hence, this court is not inclined to grant the petitioner the privilege of pre-arrest bail.

The anticipatory bail application stands rejected.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant