

GAHC010157992024



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

Case No. : Bail Appln./2348/2024

JANMONI BARUAH
S/O MR. DURGESWAR BARUAH, R/O VILL- NO. 1 CHARAIBAHI BRAHMAN
GAON, P.O.-DHALAJAN, DIST- JORHAT, PIN CODE-785616

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR G Z AHMED, MR S A REEYAZ

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 20.08.2024

Heard Mr. G. Z. Ahmed, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State of Assam.

2. One application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying for granting bail to the petitioner in respect of Dispur P.S. Case No.41/2024.

3. Mr. Parasar, learned Additional Public Prosecutor submits that the Case Diary has not yet been received.

- 4.** I have gone through the FIR. After going through the FIR, this Court is of the opinion that for consideration of the bail prayer perusal of the Case Diary is not necessary.
- 5.** A 23 years girl was having a romantic relationship with the petitioner. The petitioner allegedly promise to marry her and by that time she was 7months pregnant. After that the girl came to know that the petitioner was intended to marry to another girl from Morigaon on 07.12.2023.
- 6.** It is a settled position of law that a simple promise without anything more does not constitute the offence of cheating.
- 7.** Therefore, this Court is of the opinion that the petitioner no longer deserves to be detained in custody.
- 8.** The bail application is allowed.
- 9.** The petitioner Janmoni Baruah is allowed to go on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, Assam.
- 10.** The bail application stands disposed of.

JUDGE

Comparing Assistant