

GAHC010158772024



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

Case No. : Bail Appln./2355/2024

JESIM AKHTAR
S/O FARHAD ALI, P/R/O VILL- DAMPUR, P.S.-HAJO, DIST- KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR P DAS, MS N BARUAH,A DAS,MR K J PATHAK

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

12.08.2024

Heard Mr. P Das, learned counsel for the petitioner as well as D Das, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner, namely, Jesim Akhtar, praying for release on bail, who was arrested in connection with Hajo P.S. Case No. 248/2024 under sections

89/64/351(2) of Bharatiya Nyaya Sanhita, 2023.

One woman has lodged an FIR alleging that she had love affair with the petitioner and accordingly married in the year 2022. The family members of the petitioner did not agree with their marriage for which they started to live separately. In the meantime, she had completed her nursing course. This year, the petitioner again contacted her and on one occasion, she was brought to the house of the petitioner and committed physical relation for which the woman has become pregnant. Thereafter, she was taken to the hospital for abortion and, accordingly, it was done. Again, they had physical relation. This time also, the petitioner allegedly wanted to terminate the pregnancy but the woman refused to do so. Therefore, she has lodged an FIR before the Police.

I have considered the contents of the FIR. I have also considered the submissions made by the learned counsel for the both sides.

Considering the nature of the allegation, this court is of the opinion that the petitioner does not deserve to be detained in custody for further period. Hence, the prayer for bail of the petitioner is allowed.

Accordingly, it is directed that the petitioner namely, Jesim Akhtar, who was arrested in connection with Hajo P.S. Case No. 248/2024 under sections 89/64/351(2) of Bharatiya Nyaya Sanhita, 2023 shall be released on bail of Rs. 20,000/- with one surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, Hajo.

The bail application is disposed of.

JUDGE

Comparing Assistant