

GAHC010172512024



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

Case No. : Bail Appln./2535/2024

JAHIDUL ISLAM
S/O ABU BAKKAR SIDDIQUE
VILL- MOHIMARI,P.S.GAROIMARI
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. F A HASSAN, MR J HUSSAIN,HAFIZUR RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

05.09.2024

Heard Mr F A Hassan, learned counsel for the petitioner, Jahidul Islam, who has filed this application under Section 483 of the BNSS, 2023, with prayer for bail as he is behind bars since 17.07.2024, in connection with Garoimari PS Case No. 81/2024, registered under Section 108 of the BNS, 2023, read with Sections 9/10/11 of the Prohibition of Child Marriage Act.

2. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
3. The learned Additional Public Prosecutor has submitted that the bail petition cannot be considered without perusal of the Case Diary.
4. I have considered the submission on behalf of the petitioner that there is no dispute that the victim has committed suicide.
5. Learned counsel for the petitioner has drawn the attention of this Court to the order dated 14.08.2024, passed by the learned Sessions Judge, Kamrup, Amingaon, in connection with Garoimari PS Case No. 81/2024.
6. The order is marked as Annexure-4 of the petition. The order depicts that the Case Diary reflects that the victim was a minor at the time of her marriage and the materials collected in the Case Diary reflect that the petitioner was aware that the victim was a minor at the time of her marriage and the Case Diary also reveals that the victim was forcefully given in marriage with the petitioner, as a result of which, the victim committed suicide. The victim earlier was in love with another person, but she was forcefully given in marriage by her father to the petitioner.
6. I have considered the submissions at the Bar with circumspection. I have also scrutinized the Case Diary.
7. I have also considered the length of detention.
8. It appears that further custodial detention may not be required for the progress of

investigation.

9. The petitioner has also pledged to cooperate with the remaining part of investigation. The petitioner is a local resident and he is not a flight risk. The petitioner is willing to abide by any stringent bail conditions, if imposed upon him.

10. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs 50,000/- (Rupees Fifty Thousand Only), with a suitable surety of the like amount to the satisfaction of the learned CJM, Kamrup, Amingaon, under the conditions that:

- (i) the petitioner shall cooperate with the remaining part of investigation, and
- ii) the petitioner shall not leave the jurisdiction of the Court, without prior permission.

10.1. On breach of any of the bail conditions, bail order shall automatically stand cancelled.

11. Bail Application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant