

GAHC010172522024



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

**Case No. : AB/2224/2024**

ABU BAKKAR SIDDIQUE  
S/O LATE JAMAT ALI  
VILL- MOHIMARI, P.S. GAROIMARI  
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM  
REP BY THE LEARNED PP, ASSAM

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

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 03-10-2024**

Heard Mr. F.A. Hassan, learned counsel for the petitioner, Abu Bakkar Siddique, who has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with Garoimari P.S. Case No.81/2024 under

Section 108 of Bharatiya Nyaya Sanhita, 2023, read with Section 9/10/11 of the Prohibition of Child Marriage Act.

**2.** Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

**3.** The allegation against the petitioner is that the victim had committed suicide because the petitioner's son Johidul Islam got married to the victim, who was a minor at the time of the incident.

**4.** I have considered the submissions at the Bar with circumspection. It is submitted at the Bar that the victim had love affair with another boy and when the boy was in Kerala, the victim was compelled by her family member to get married to the accused Jahidul Islam and this compelled her to commit suicide. It is submitted that no ingredients under Section 108 of BNS has been made out against the petitioner. At best, an offence under Section 9/10/11 of the BNS lies but the petitioner was not aware that the victim was a minor at the time of the incident.

**5.** I have scrutinized the Case Diary. It appears that anticipatory bail may be granted to the petitioner.

**6.** Accordingly, in the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:-

*(i) the petitioner shall appear before the Investigating Officer within one week from today and cooperate with the investigation.*

- 7.** Anticipatory Bail application stands disposed of.
- 8.** Send back the case diary.

**JUDGE**

**Comparing Assistant**