

GAHC010175892024



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

Case No. : AB/2290/2024

RAHUL ALI
S/O SRI HASAN ALI
PERMANENT RESIDENT OF SIJUBARI, HATIGAON, UNDER HATIGAON,
P.S.,
GUWAHATI IN THE DISTRICT OF KAMRUP (M), ASSAM, PIN-781038

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR Z KAMAR, MR S J CHOUDHURY, MR. BISWAJIT
TALUKDAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 18-09-2024

Heard Mr. Z. Kamar, learned Senior Counsel assisted by Mr. A. Sharif, learned counsel appearing for the petitioner. I have also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of Dispur P.S. Case No.0655/2024, registered under Section 306 of the Indian Penal Code.
3. On 27.06.2024 at about 06-00 a.m., a 27 year old girl committed suicide by consuming phenyl. Her father has lodged an FIR before police alleging that the present petitioner was the reason for which his daughter committed suicide.
4. Mr. Kamar has submitted that the petitioner met the girl in a local disco club and after that they developed friendship for a long time. The petitioner was also taking care of her in every possible manner.
5. After commission of suicide, the girl left a suicide note stating that the present petitioner had damaged her life.
6. I have considered the submissions made by the learned counsel of both sides.
7. The law relating to Section 376 of the Indian Penal Code is already settled in a catena of decisions of the Hon'ble Supreme Court of India. There are no materials to show that the petitioner had abetted commission of suicide by the deceased girl.
8. For the aforesaid reasons, the petitioner does not deserve to be detained in custody. His pre-arrest bail application is allowed.
9. The interim bail granted in respect of the petitioner, Rahul Ali on 02.09.2024 is made absolute.
10. The petitioner shall cooperate with the police investigation as and when required.

The application for bail is disposed of.

Case diary shall be returned.

JUDGE

Comparing Assistant