

GAHC010176722024



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

Case No. : Bail Appln./2608/2024

TARIK AZIZ
S/O JAHIRUDDIN AHMED @ JAHIR ALI, VILL- CHAMUAPARA, P.O.-
GANESH KUWARI, P.S.-SIPAJHAR, DIST- DARRANG, ASSAM, PIN-784145

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S CHAUHAN, R DEB,M. BORUAH,MR N ALAM,MR. P MAZUMDER

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

16.09.2024

Heard Mr. S. Chauhan, the learned counsel appearing for the petitioner.
Also heard Ms. S.H. Bora, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for grant of regular bail to the petitioner Tarik Aziz who was arrested in connection with Baihata Chariali P.S. Case No.141/2024, registered under Sections 376(2)(n)/313 of the Indian Penal Code.
3. A 17 year old girl was in love with the present petitioner. Initially, they decided to wait till the girl attains majority. But within that period, they had physical relationship on multiple occasions. The girl was surreptitiously gave an amount of ₹70,000/- to the present petitioner. On two occasions, she became pregnant and on each occasion, the petitioner allegedly gave her tablets to terminate her pregnancy.
4. On 28.05.2024, she again had physical relationship with the present petitioner and on that day, he told her that he will not marry her. Therefore, the FIR was lodged alleging the aforesaid facts.
5. Ms. Bora submits that police has filed the *charge sheet* in this case and therefore, the scanned copy of the LCR will be required.
6. I have considered the submissions made by the learned counsel of both sides.
7. It is a settled position of law that a simple promise to marry without anything more does not constitute such an offence. Without expressing anything about the merit of the case, this Court is of the opinion that the present petitioner does not deserve to be detained in custody for any further period of time. Therefore, the application of the petitioner is allowed.
8. The petitioner Tarik Aziz who was arrested in connection with Baihata Chariali P.S. Case No.141/2024, registered under Sections 376(2)(n)/313 of the Indian Penal Code, is allowed to go on bail of ₹25,000/- with a surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate,

Rangia.

With the aforesaid direction, the bail application is disposed of accordingly.

JUDGE

Comparing Assistant