

GAHC010176902024



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

Case No. : AB/2272/2024

ARNABJYOTI SUTRADHAR
S/O GUNAJIT SUTRADHAR, RESIDENT OF HOUSE NO. 21, SHANTI NAGAR
PATH, NO. 2, MATHGHARIA, NOONMATI, GUWAHATI, KAMRUP M ASSAM
781020

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. A GANGULY, MR T CHHETRI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

30.08.2024

Heard Mr. A Ganguly, learned counsel for the petitioner as well as Mr. R R Kaushik, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner, namely, Arnabjyoti Sutradhar, for pre-arrest bail in connection with Sivasagar P.S. Case No.

102/2024 under sections 420/376/506 IPC.

The informant had love affairs with the petitioner. They had physical relationship in different places of the State. It is alleged that, finally, the petitioner refused to marry the informant.

It is a settled position of law that simple promise of marry without anything more does not constitute an offence of cheating or rape.

Therefore, this court is of the opinion that for the allegation brought against the petitioner, the petitioner does not deserve custodial interrogation.

Accordingly, it is directed that in the event of arrest of the petitioner, namely, Arnabjyoti Sutradhar in connection with Sivasagar P.S. Case No. 102/2024 under sections 420/376/506 IPC, the arresting authority shall release him on bail of Rs.20,000/- with one surety of like amount to the satisfaction of the arresting authority.

The petitioner is directed to appear before the Investigating Officer within next 10 (ten) days and shall cooperate with the investigation as and when required.

The bail application is disposed of.

JUDGE

Comparing Assistant