

GAHC010177842024



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

Case No. : AB/2317/2024

MD TAIMUDDIN
S/O LATE ABDUL JALIL
R/O CHAMPUPARA GAON
P.O. CHAMPUPRA BAZAR
P.S. CHHAYGAON
DIST. KAMRUP, ASSAM
PIN-781137
MOB. 98640 27090

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR A K AHMED, MS F PARBIN, MS P KAKATI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 16-09-2024

Heard Mr. A.K. Ahmed, learned counsel for the petitioner Md. Taimuddin, who has filed this application under Section 482 of the Code of Criminal

Procedure, 1973 with prayer for pre-arrest bail as he is apprehending arrest in connection with Goroimari Police Station Case No. 81/2024 under Section 108 of the Bharatiya Nyaya Sanhita, 2023 read with Section 9/10/11 of the Prohibition of Child Marriage Act, 2006.

2. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State.

3. The FIR unfolds that the victim X has committed suicide as she was compelled to marry the prime accused against her will.

4. It is submitted on behalf of the petitioner that the petitioner's name is not mentioned in the FIR but as he is a Qazi, he is apprehending arrest in connection with this case.

5. Learned Additional Public Prosecutor has raised serious objection stating that the petitioner is not entitled to bail as he has violated the law.

6. I have also scrutinized the Case Diary. The merits of the case are not brought to the fore. However, I am of the opinion that bail can be granted to the petitioner. Investigation has progressed to a considerable extent. The petitioner has pledged to abide by any stringent bail conditions if imposed upon them and to cooperate with the remaining part of investigation.

7. Considering all aspects, petition is allowed.

8. The petitioner is 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 and cooperate with the investigation.

(ii) The petitioner shall refrain from such activities with which he is alleged.

(iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

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

10. In terms of the above, this Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant