

GAHC010183312024



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

Case No. : AB/2366/2024

ABDUL WAHAB
S/O LATE HASEN ALI
R/O VILL- SARUCHALA
P.S. MOIRABARI,
IN THE DISTRICT OF MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P, MR. J ALI, MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 18-09-2024

Heard Mr. J. Ali, 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 Morigaon P.S. Case No.232/2024, registered under Sections 69/351(2)/351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023.
3. The 50 year old informant came to know the petitioner in course of her job. The petitioner promised to marry her and for that matter, they had physical relationship for a long time. One day, the informant woman came to know that the petitioner was already married and therefore, she declined to marry him. It is alleged in the FIR that the present petitioner threatened the woman that he will kill her if she files an ejahar before the police.
4. I have gone through the statements of the victim woman recorded under Section 183 of the BNSS, 2023.
5. It is hard to believe that the informant woman had consented to physical relationship with the petitioner because of misconception of fact.
6. This Court is of the opinion that under the given circumstances of the case, the petitioner does not deserve to be detained in custody. Therefore, the pre-arrest bail application is allowed.
7. It is hereby directed that in the event of arrest in connection with Morigaon P.S. Case No.232/2024, registered under Sections 69/351(2)/351(3) of the BNS, 2023, the petitioner, namely Md. Abdul Wahab shall be released on bail of ₹25,000/- with surety of like amount to the satisfaction of the arresting authority.
8. The petitioner is directed to appear before the Investigating Police Officer within next 10(ten) days from today.

The application for bail is disposed of accordingly.

Case diary shall be returned.

JUDGE

Comparing Assistant