

GAHC010187682024



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

Case No. : AB/2410/2024

JEL HOQUE
SOBUR ALI @ ABDUS SOBUR, R/O VILL-MUNDIA, P/O- MEDORTARY,
P.S.FAKIRGANJ, DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR MEHEBUB HOSSAIN, MR H R A CHOUDHURY, MS. A SULTANA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

26.09.2024

Heard Mr. M Hussain, learned counsel for the petitioner and Mr. R J Baruah, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 482 of the BNSS, 2023 by the petitioner, namely, Jel Hoque, praying for pre-arrest bail in connection with Fakirganj P.S. Case No. 92/2024.

The informant herein is a woman, who was married to a person for 13 [thirteen] years

long. She has three children also. She alleged that her husband stay away from home because of his profession and, therefore, on many occasions, the present petitioner had committed physical relationship with her.

It is also alleged the petitioner had threatened her that if the informant would disclose those things then he would kill her children.

The case diary reveals that when the petitioner and the informant were together inside a room, some people had apprehended them.

After considering the materials available in the record, this court is of the opinion that the informant was a consenting party to the act of the so called victim. Therefore, the petitioner does not deserve to be detained in custody for any further period of time.

Accordingly, it is directed that in the event of arrest of the petitioner, namely, Jel Hoque, in connection with Fakirganj P.S. Case No. 92/2024, the arresting authority shall release him on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the arresting authority.

Bail application is disposed of.

Return the case diary.

JUDGE

Comparing Assistant