

GAHC010188852024



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

Case No. : AB/2458/2024

BUNDHU SK
S/O LT. NAFAZ UDDIN SK.
VILL- KANAIMARA PT.I
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR, ASSAM, PIN-783131

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A Z AHMED,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 04.10.2024

Heard Mr. A.Z. Ahmed, learned counsel appearing for the petitioner and Mr. R.J. Baruah, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of BNSS, 2023 praying for grant of pre-arrest bail to the petitioner, Bundhu Sk, in connection with South Salmara

P.S. Case No. 160/2024.

3. The essence of allegation made in the FIR is that on 07.08.2024, the present petitioner entered into the house of the informant and hugged her from behind and tried to commit rape. Then, the woman raised hue and cry over the incident and other family members intervened and the present petitioner allegedly escaped.

4. The victim woman has reiterated the same thing in her statement recorded under Section 161, Cr.P.C. But, from the statements of other witnesses, it appears that on the day of occurrence, the petitioner had held the hand of the said woman.

5. I have considered the submissions made by the learned counsel for both sides.

6. From the statements of the witnesses, it appears that the family members of the said woman wanted that the villagers should shave the head of the petitioner and after putting on a garland of chappals, he should be paraded around the village, but the village headman refused to do so and that is the reason why the FIR was lodged some days later.

7. Now, this Court is of the opinion that under the given circumstances of the case, the petitioner does not deserve to be detained in custody and accordingly, pre-arrest bail is granted to the petitioner.

8. It is hereby directed that in the event of arrest in connection with South Salmara P.S. Case No. 160/2024, the petitioner, Bundhu Sk shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the arresting authority.

9. The petitioner shall appear before the Investigating Officer within next 10 (ten) days from today.

10. The pre-arrest bail application stands disposed of accordingly.
11. Case diary shall be returned.

JUDGE

Comparing Assistant