

GAHC010191112024



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

Case No. : AB/2469/2024

SUSHANTA BARMAN
S/O SADHON BARMAN
R/O VILL- ASHARIKANDI, P.S. GAURIPUR, DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, SAMIM RAHMAN, MR S A BARBHUYAN, MR. SURAJIT DAS, MR A W AMAN

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

18.09.2024

Heard Mr. S. Das, the learned counsel appearing for the petitioner. I have also heard Ms. S.H. Bora, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of the BNSS, 2023 in respect of Gauripur P.S. Case No.221/2024 registered under Sections 117(2)/64(1), 3(5) of the BNS, 2023.
3. A married lady fell in love with the present petitioner. They continued their relationship for a long time. They had physical relationship also. The lady got pregnant. When the matter came to the notice of her husband, she was driven out of her matrimonial house. Thereafter, the petitioner allegedly took her to his house. There again they continued physical relationship. This time, the parents of the petitioner also discarded her.
4. I have considered the submissions made by the learned counsel of both sides.
5. On a plain reading of the FIR, no element of a criminal case appears against the present petitioner. Therefore, he does not deserve to be detained in custody. His pre-arrest bail application is allowed.
6. It is hereby directed that in the event of arrest in connection with Gauripur P.S. Case No.221/2024 registered under Sections 117(2)/64(1), 3(5) of the BNS, 2023, the petitioner Sushanta Barman shall be released on bail of ₹20,000/- with a surety of like amount to the satisfaction of the arresting authority.

The application for bail is disposed of accordingly.

JUDGE

Comparing Assistant