

GAHC010191792024



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

Case No. : AB/2498/2024

SHAHID NAZIR
S/O JUBBAR ALI
VILL- BANGALPARA
P.O. BHELKARBAZAR
P.S. HAJO
DIST. 781102

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR A.K. MOLLAH, MR. R I
MONDAL, MR. M HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 29.10.2024

Heard Mr.HRA Choudhury, learned Senior Counsel assisted by Mr. M. Hussain, learned counsel appearing for the petitioner as well as Mr. B. Sarma, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail in respect of Hajo P.S. Case No. 272/2024.
3. The informant, Haran Ali has alleged in the FIR that without his knowledge, his

daughter was compelled to marry the present petitioner and thereafter she became pregnant. According to the informant, on 13.12.2023, the present petitioner and his entire family members had kidnapped the girl. Thereafter, on 15.12.2023, the petitioner and his family members had taken the girl near a switch gate, where the girl was later recovered in a senseless condition.

4. It may be mentioned that on 26.08.2024, the said girl had lodged a complaint before police alleging that on 29.04.2024 she had gone to the house of her husband/the present petitioner, but the family members of the present petitioner had assaulted her and drove her out of the house. She further alleged that they demanded an amount of Rs.10 lakhs from her.

5. Mr. Choudhury has pointed out that the marriage certificate contains the signature of the informant (father) and it means that the father of the girl was a witness to her marriage with the present petitioner. According to Mr. Choudhury, there are some family disputes between the family members of the petitioner and the girl.

6. I have also gone through the statement of the victim girl that was recorded u/s 183 of the BNSS, 2023.

7. Mr. Sarma has objected to this bail application on the ground that the girl has implicated the present petitioner.

8. Taking note of the above facts and considering the submissions made by the learned counsels of both sides, this Court is of the opinion that the present petitioner does not deserve to be detained in custody. Accordingly, the anticipatory bail application of the petitioner is allowed.

9. The interim order passed by this Court on 20.09.2024 is hereby made absolute.

10. With the aforesaid direction, the bail application stands disposed of.

The CD shall be returned.

JUDGE

Comparing Assistant