

GAHC010194042024



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

Case No. : AB/2491/2024

DIPUL HUSSAIN
S/O ANOWAR HUSSAIN
R/O VILL- ROOPKALIJA
P.O. GHILADHARI,
P.S. GHILADHARI, DIST. GOLAGHAT, ASSAM, PIN-785603

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. P BORAH, MRS K M SAIKIA

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.09.2024

Heard Mr. P. Borah, the learned counsel appearing for the petitioner. I have also heard Mr. D. Das, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of BNSS, 2023 praying for pre-arrest bail in respect of Pathsala P.S. Case No.50/2023 under Sections 365/376/419/506 of the Indian Penal Code.

3. Through Instagram, a married lady came in contact with the present petitioner. The lady is a Hindu by religion and the petitioner also introduced himself as a Hindu. Their relationship blossomed into love. He also promised her to marry and on that promise, she was taken to Hyderabad. They stayed in a hotel in Hyderabad where they had physical relationship. At that time, the lady came to know that the petitioner is a Muslim by religion and not Hindu. Thereafter, the lady went to the house of her sister at Hyderabad. After that, she returned home. The informant has alleged that the petitioner still threatens her over phone and says that he will kidnap her again.

4. On a plain reading of the FIR, it can be presumed that the informant in spite of being married to another person had developed physical relationship with the present petitioner. So, she was a consenting party to the act of the petitioner. So far as the threatening is concerned, it appears that these are nothing but some embellishment because the petitioner claimed to have cheated her by saying that he was Hindu.

5. 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, his pre-arrest bail application is allowed.

6. Accordingly, it is hereby directed that in the event of arrest in connection with Pathsala P.S. Case No.50/2023 under Sections 365/376/419/506 of the Indian Penal Code, the petitioner Dipul Hussain 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.

JUDGE

Comparing Assistant