

GAHC010194782024



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

Case No. : AB/2547/2024

NUR JAMAL ISLAM @ NUR ZAMAL @ NUR ZAMAL SK
S/O- NAZRUL ISLAM @NAZRUL HOQUE,
R/O- MADHUSOULMARI PART I,
P.S- GAURIPUR, DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : IMRAN UDDIN CHOWDHURY, MR S A BARBHUYAN, MR A W AMAN, MR SARFRAZ NAWAZ, MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM, MR N ISLAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 22.10.2024

- 1.** Heard Mr. S. Das, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public prosecutor for the State of Assam and Mr. N. Islam, learned counsel for the informant.
- 2.** This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying for pre arrest bail in respect of Gauripur P.S. Case No.199/2024.
- 3.** A 26 years old married women has alleged that on 19.07.2024, she was forcibly taken

away from her house by the present petitioner Nur Jamal Islam and two other unknown persons. She was carried in a car and she was taken to an unknown house, where the present petitioner disrobed her and took nude photographs and thereafter committed rape upon her.

4. After that incident, she escaped from that place.

5. Mr. Das submits that the petitioner was having a relationship with that woman and when the aforesaid fact came to the notice of her husband, she asked the petitioner to marry her.

6. According to Mr. Das, the petitioner demanded that she should first divorce her husband, thereafter he will accept her as his wife.

7. Mr. Das has submitted that for the aforesaid reason the present FIR was lodged.

8. Mr. Kaushik, learned Additional Public Prosecutor submits that in the statement recorded under Section 164 of the Cr.PC, the victim has implicated the present petitioner and some other witnesses examined by Police have submitted that they have heard about that incident.

9. Mr. Islam, learned counsel for the informant has objected to this bail application.

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

11. The victim was allegedly kidnapped at about 5 AM in the morning. She travelled in a four wheeler vehicle and was taken to a house within the same locality.

12. Considering the aforesaid facts, this Court is of the opinion that the present petitioner does not deserve to be detained in custody for the aforesaid allegation.

13. Therefore the pre-arrest of bail prayer of the petitioner is allowed.

14. Therefore in the event of arrest in connection with Gauripur P.S. Case No.199/2024, the petitioner Nur Jamal Islam @ Nur Zamal @ Nur Zamal SK shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of the arresting authority.

15. The petitioner is hereby directed to appear before the Investigating Officer within next 10(ten) days from today and he shall co-operate with the Police Investigating Officer as and

when required.

16. With the aforesaid direction the present bail application stands disposed of.

17. Case Diary shall be returned.

JUDGE

Comparing Assistant