

GAHC010204252024



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

Case No. : AB/2643/2024

MONJIR AHMED @ MONJU AHMED
S/O LATE ISMAIL ALI
VILL- MAHMUDPUR, P.S. AND DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. A S TAPADER, MR M AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13.11.2024

Heard Mr. A. S. Tapader, learned counsel appearing for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the state/respondent.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail to the petitioner, Monjir Ahmed @ Monju Ahmed in respect of Karimganj P.S. Case No. 464/2024.

3. One girl from Dimapur was in love with Jamal Uddin, who resided in the district of Karimganj. The girl came to Bagargul at Karimganj to meet her boyfriend. She did not meet him. Rather, she met the present petitioner, who introduced himself to be a close relative of Jamal Uddin. The petitioner allegedly informed the girl that the village, where Jamal Uddin resided was submerged in flood water and for that matter, the petitioner offered the girl shelter for the night and she agreed to stay in his house. He promised that next morning, she will be sent to the house of Jamal Uddin. Accordingly, she was given a room as well as dinner in the house of the petitioner. The girl fell asleep in her bed. She had a cash amount of Rs. 3,000/-, one android mobile phone, a wrist watch, a silver chain and an earring. The girl has alleged that at about 12.30 mid-night the petitioner entered her room and tried to molest her. Therefore, she ran out of the petitioner's house taking the bag with her. Finally, she went to Kaliganh Police Station. Police sent her to a sheltered home. Her mother was informed. She came from Dimapur and lodged the FIR before police on 20.07.2024 alleging the aforesaid fact.

4. Mr. Tapader has submitted that the girl has alleged that the petitioner had tried to molest her. According to Mr. Tapader, the petitioner did not molest the girl. Mr. Tapader further submits that the petitioner is a 65 year old man and that considering his age, the petitioner should be released on bail.

Mr. Baruah has submitted that the girl in her statement u/s 183 of the BNS, 2023 has implicated that the petitioner attempted to touch her private parts.

5. I have considered the submissions made by the learned counsels of both sides.

6. No offence was committed by the petitioner. Rather, he attempted to commit an offence. He is a 65 year old man.

7. Considering the aforesaid facts, this Court is of the opinion that the petitioner does not deserve to be detained in custody. Therefore, his pre-arrest bail application is allowed.

8. It is hereby directed that in the event of arrest in connection with Karimganj P.S. Case No. 464/2024, the petitioner, Monjir Ahmed @ Monju Ahmed shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of the arresting authority.

9. The petitioner shall appear before the Investigating Officer within next 7 (seven) days

from today.

10. With the aforesaid direction, the bail application stands disposed of
CD shall be returned.

JUDGE

Comparing Assistant