

GAHC010210672024



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

Case No. : AB/2724/2024

SAEED AQUIB AHMED ALIAS SAEED AQIB AHMED
S/O ABDUL KHALEQUE AHMED
R/O VILL- SURJYAKHATA PT.2,
P.S. BILASIPARA,
DIST. DHUBRI, ASSMA
PIN CODE- 783348

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR T N SRINIVASAN, MS S PARBIN, MR. N ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

06.11.2024

Heard Mr. T N Srinivisan, learned counsel for the petitioner and Mr. K K Das, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner, namely **Saeed Aquib Ahmed @ Saeed Aqib Ahmed**, S/o

Abdul Khaleque Ahmed, resident of village Surjyakhata Pt.2, P.S. Bilasipara, District-Dhubri, has prayed for his pre arrest bail in connection with Uluani Police Station Case No. 1038/2024 registered under Section 308(4)/356(2)/351(2)/296/131/ 324(2)/115(2) of Bharatiya Nyaya Sanhita, 2023 corresponding to GR No. 5685/2024.

3) The complainant is the wife of the petitioner who belongs to a different religion. She, on 25.09.2024 lodged a written FIR before the Dispur Police Station alleging that she is pursuing her studies in a Law College in the city, but the petitioner, i.e., her husband and her in-laws are continuously forcing and pressurizing her to change her identity. As the complainant did not comply with their requests, they threatened her of dire consequences and thereby, physically and mentally harassed her.

3) The Court by order dated 08.10.2024, granted interim bail to the petitioner, named above, in said Dispur Police Station Case No. 1038/2024.

4) Perused the case diary placed before the Court by Mr. Das, learned Additional Public Prosecutor, Assam of said Dispur Police Station Case No. 1038/2024.

5) It is seen that the petitioner, on obtaining interim bail on 08.10.2024, appeared before the concerned Investigation Officer of said Dispur Police Station Case No. 1038/2024 and his statement has been recorded by the concerned Investigating Officer of the said case.

6) Considering the materials in the Case Diary, this Court is of the view that custodial detention of the petitioner is not warranted for investigation of said Dispur Police Station Case No. 1038/2024.

7) As such, this pre-arrest bail application of the petitioner in said Dispur Police Station Case No. 1038/2024 is accepted.

8) Accordingly, the interim bail granted to the petitioner on 08.10.2024 in the said Dispur Police Station Case No. 1038/2024 is hereby made absolute, subject to the compliance of the conditions by the petitioner as specified in the order dated 08.10.2024, with further conditions that-

i) the petitioner or anyone of his family members, directly or indirectly, shall not threat the informant or anyone of her family members and

ii) the petitioner shall not involve himself in any other criminal activities.

9) Any violation of the aforesaid terms and conditions as well as the terms and conditions as specified in the order dated 08.10.2024, noted above, by the petitioner, named above, the pre-arrest bail granted to him in the aforementioned Dispur Police Station Case No. 1038/2024 shall stand automatically vacated.

10) This pre-arrest bail application accordingly stands disposed of.

11) Return the case diary herewith.

JUDGE

Comparing Assistant