

GAHC010218012024



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

Case No. : Bail Appln./3194/2024

HAFIZUR RAHMAN
S/O AKBAR ALI
VILL- NO. 2 POLAHARTARI, GANDI NAGAR, P.S. NAGARBERA
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK, P. KALITA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 21.10.2024

Heard Mr. A. Paramanik, learned counsel appearing for the petitioner and Mr. R.R. Kaushik, learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for grant of regular bail to the petitioner, Hafizur Rahman, who was arrested in connection with Nagarbera P.S. Case No. 89/2024.

3. A 19 year old girl had lodged a complaint petition before the court of the learned Judicial Magistrate 1st Class, Boko alleging that she was in love with the present petitioner and on multiple occasions they had physical relationship. She further alleges that suddenly the petitioner started to avoid her and failed to show any intention to marry her.
4. The complaint was forwarded to police and a case was registered accordingly.
5. It is a settled position of law that a simple promise to marry without anything more does not constitute misconception of fact as defined in law. She is a major girl. She was a consenting party to the act of the present petitioner.
6. For the aforesaid reasons, the bail application of the petitioner is allowed.
7. The petitioner, Hafizur Rahman shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the learned JMFC, Boko.
8. The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant