

GAHC010218862024



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

Case No. : AB/2781/2024

DEBANGO BORO @ DEBANGO BARO
S/O SRI PRADIP BORO
R/O VILL- ARABARI
P.O. PALAHGARH,
P.S. TANGLA
DIST. UDALGURI, BTR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N ALAM, MR N J DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 21.10.2024

Heard Mr.N.J. Das, 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 482 of the BNSS, 2023 praying for grant of pre-arrest bail in respect of Tangla P.S. Case No. 62/2024.

3. A widow having a 11 year old child was maintaining relationship with the present petitioner for a period of 7 years. They had physical relationship also. The complainant girl has alleged that the petitioner had promised to marry her and on the promise of marriage he had physical relationship with her on many occasions. He had also taken different sums money from her. It is further alleged that he had also taken personal photographs of the girl. According to the informant, in spite of all those things, the petitioner married another girl.

4. The learned counsel for the petitioner submits that the petitioner is an Army personnel stationed in the state of Punjab and he came to know that the complainant girl was maintaining relationship with two other men and therefore, he decided not to marry her. For that matter, his family members were searching for a girl for his marriage. When the complainant got the news, she filed a complaint case against him.

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

6. This Court is of the opinion that the petitioner does not deserve to be detained in custody because a simple promise to marry does not constitute misconception of fact as defined in law.

7. The pre-arrest bail application is allowed.

8. It is hereby directed that in the event of arrest in connection with Tangla P.S. Case No. 62/2024, the petitioner, Debango Boro @ Debango Baro shall be released on bail of Rs. 20,000/- to the satisfaction of the arresting authority.

9. The petitioner is directed to co-operate with the Investigating Officer as and required.

10. With the aforesaid direction, the bail application stands disposed of.

JUDGE

Comparing Assistant