

GAHC010218952023



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

Case No. : AB/3327/2023

REJUWAN HUSSAIN
S/O ABDUL HALIM
VILL- AMLIPUKHURI RESERVE
P.O. JUGIJAN, P.S. HOJAI
DIST. HOJAI, ASSAM
PIN-782429

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:SRI BOLEN KANU
S/O LT. KRISHNA NARAYAN KANU
R/O NO. 1 NAMONIGAON
MILONPALLY
P.O. AND P.S. RANGAPARA
DIST. SONITPUR
ASSAM
PIN-78450

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 28.03.2024

Heard Mr. J. Abedin, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the respondent No.1 and Mr. H. Das, learned counsel for the informant /respondent No.2.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, namely Rejuwan Hussain who is apprehending arrest in connection with Rangapara P.S. Case No. 74/2023 under Section 366 IPC.

It is submitted by the learned counsel for the petitioner that the petitioner is innocent and he is falsely implicated in this case.

It is a fact that the accused petitioner had developed relationship with the daughter of the first informant who was his face book friend. Thereafter, the daughter of the first informant herself left her residence and boarded a train for Guwahati and thereafter she informed the present petitioner about her leaving her parents' residence. The petitioner took a flight from Mumbai where he was working and he reached Guwahati on 11.06.2023 and then on the request of the victim girl, the petitioner called the mother of the said victim over telephone about her safety and then he came to know that the daughter of the first informant was still a minor and she had wrongly informed him that she was a student of degree first year. On coming to know about her age, he sent the victim girl to her own house.

However, after obtaining interim order of pre-arrest bail, the petitioner appeared before the I/O and his statement was recorded under Section 161 Cr.P.C. The petitioner is still ready to cooperate with the I/O in further investigation if he is granted the privilege of pre-arrest bail.

In this connection, Mr. H. Das, learned counsel for the respondent No.2 has submitted that the FIR was lodged on some misunderstanding and subsequently he came to know that his daughter introduced herself as a major girl and she only insisted the accused petitioner to take her with him.

However, both the parties have amicably settled the matter and hence he has no objection if the privilege of pre-arrest bail is granted to the petitioner.

Mr. D. Das, learned Additional Public Prosecutor in this regard has submitted that the accused petitioner appeared before the I/O after obtaining the interim pre-arrest bail and his statement

under Section 161 Cr.P.C. was recorded.

Considering the entire submission of the learned counsel for both sides, I find that custodial interrogation is not necessary in this case and hence I find it a fit case to grant the privilege of pre-arrest bail to the present petitioner.

Accordingly, the interim order dated 28.09.2023 is hereby made absolute in the same terms and conditions.

Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant