

GAHC010218962024



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

Case No. : AB/2787/2024

MANIRUDDIN SK
S/O LATE AFAJUDDIN SK.
R/O VILL- BAMUNITILA PT.III,
P.S. AND DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 21.10.2024

Heard Mr.M. Khan, 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 Bongaigaon P.S. Case No. 338/2024.

3. The complainant/girl was in love with the present petitioner for a period of 3 years. On

the promise of marriage, he had physical relationship with her. The complainant had alleged that the petitioner at one point of time refused to marry her. She went to the house of the petitioner, where she was misbehaved by his family members.

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

5. It is a case of simple promise to marry and subsequent breach of marriage.

6. It is a settled position of law that a simple promise to marry does not constitute misconception of fact as defined in law.

7. For the aforesaid reasons, this Court is of the opinion that the petitioner does not deserve to be detained in custody.

8. The pre-arrest bail application of the petitioner is allowed.

9. It is hereby directed that in the event of arrest in connection with Bongaigaon P.S. Case No. 338/2024, the petitioner, Maniruddin Sk. shall be released on bail of Rs. 20,000/- to the satisfaction of the arresting authority.

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

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

JUDGE

Comparing Assistant