

GAHC010220222024



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

Case No. : AB/2794/2024

AHMOD ALI BARBHUIYA
S/O ABDUL MANNAN BARBHUIYA, RESIDENT OF BONDUKMARA BASTI,
PO RATANPUR, PS AND DIST HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY, MS. R S SADIAL, MR. A KHAN, MR. N MAHAJAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

23.10.2024

Heard Mr. N Mahajan, learned counsel for the petitioner. Also heard Mr. R R Kaushik, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 482 of the BNSS, 2023 by the petitioner, namely, Ahmod Ali Barbhuiya, praying for pre-arrest bail, who is apprehending arrest in connection with Hailakandi P.S. Case No. 188/2024.

A 25 [twenty-five] years old girl was maintaining relationship with the petitioner for a period of 7 [seven] years. During that period, on various occasions and on a promise to marry,

the petitioner allegedly had physical relationship with her. At one point of time, the girl came to know that the petitioner would not marry her and would be married another girl. After that also, the petitioner had physical relationship with the girl.

Subsequently, the girl was satisfied that the petitioner would never marry her and accordingly she informed her family members about the whole incident. The family members of the girl as well as the family members of the petitioner had a meeting to settle the matter. But, no settlement was done. Therefore, the FIR was lodged.

Mr. Baruah, learned Additional Public Prosecutor has submitted that it is a clear case of cheating of promise to marry a girl and, therefore, he has objection against the prayer for bail made in favour of the petitioner.

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

A 25 [twenty-five] years old girl, on a simple promise of marry, for a period of 7 [seven] years, was maintaining physical relationship with the petitioner. It was a simple promise to marry only without anything more.

For the aforesaid reasons, this court is of the opinion that the petitioner does not deserve to be detained in custody. Hence, the prayer for anticipatory bail is allowed.

Accordingly, it is hereby directed that in the event of arrest of the petitioner, namely, Ahmod Ali Barbhuiya, in connection with Hailakandi P.S. Case No. 188/2024, the arresting authority shall release him on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the arresting authority.

Petitioner is directed to appear before the Investigating Officer whenever he is called for.

With the above, the present anticipatory bail application is disposed of.

JUDGE

Comparing Assistant