

GAHC010234792024



2024:GAU-AS:11884

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

Case No. : AB/2955/2024

RASHIDUL KHAN @ RASHIDUL ISLAM
S/O NUR ISLAM KHAN
VILL- SUNDARPARA PT.II
P.O. JAMADARHAT
P.S. FAKIRGANJ
DIST. DHUBRI, ASSAM
PIN- 783330

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M U MONDAL, S S AHMED, MR. A W MONDAL, MR A
ALIM SK, MR K ISLAM, MS. N NASRIN

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

29.11.2024

Heard Mr M U Mondal, learned counsel for the petitioner, Rashidul Khan @
Rashidul Islam, who has filed this anticipatory bail application under Section 482 of the
Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, with prayer for pre-arrest bail in

connection with South Salmara PS Case No. 186/2024, under Sections 126(2)/96/3(5) of the BNS, 2023.

2. Also heard Ms N Das, learned Additional Public Prosecutor for the State of Assam.
3. By drawing the attention of this Court to the statements made in paragraph 4 of the petition, the learned counsel has submitted that the victim girl had come to the residence of the applicant on her own volition as both of them are from the same school and were having love affairs. However, the parents of the applicant and some elders of the village had handed over the victim girl to the concerned police station. He has also submitted that there is no allegation of use of any force or any other aspects.
4. Ms Das, the learned Additional Public Prosecutor, Assam has however resisted the prayer for pre-arrest bail by submitting that the victim is a minor and the allegations are serious in nature.
5. I have considered the submissions at the Bar with circumspection.
6. I have also scrutinized the Case Diary.
7. The petitioner has appeared before the IO and he has cooperated with the investigation.
8. The petitioner has not violated any bail conditions.
9. Considering all aspects, the interim bail order dated 11.11.2024, is hereby made absolute.

10. Anticipatory Bail Application stands disposed of.
11. Send back the Case Diary.

JUDGE

Comparing Assistant