

GAHC010236532024



2024:GAU-AS:11885

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

Case No. : AB/3016/2024

REJAK ALI
S/O JAINAL ABEDIN
R/O VILL- AGLACHAR
P.S. SHYAMPUR
DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M AHMED, A. K. KANU

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

29.11.2024

Heard learned counsel, Mr M Ahmed, for the petitioner, Rejak Ali, who has filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Shyampur PS Case No. 17/2024, under Sections 296 (a)/329(4)/75(1) (i) (ii)/351(2) of the BNS, 2023.

2. Heard Mr R R Kaushik, learned Additional Public Prosecutor, Assam for the

respondent State.

3. I have considered the submissions at the Bar with circumspection.

4. I have also scrutinized the Case Diary.

5. The FIR unfolds that the victim is 15 years old and a student of Class-VIII of Aglachar M E School. The petitioner used to stalk the victim when she used to commute to her school. The petitioner also indulged in eve-teasing. On 19.04.2024, at about 09:30 pm, when the victim was sleeping in her house with her sister-in-law, the petitioner broke into their house and embraced the victim and tried to disrobe her and thereafter, the petitioner outraged her modesty. The victim raised alarm and the villagers came to her rescue and assaulted the petitioner.

6. The merits of this case are not brought to the fore as investigation is still under progress.

7. Investigation has progressed substantially.

8. It appears that custodial interrogation may not be required for further progress of investigation.

9. Considering all aspects, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand Only), with a suitable surety of like amount to the satisfaction of the arresting authority, under the conditions that:

- i) the petitioner shall appear before the IO within one week and cooperate with the investigation, and
- ii) the petitioner shall not exercise threats to the witnesses and the victim.

10.1. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

11. Anticipatory Bail Application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant