

GAHC010242012024



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

Case No. : AB/3032/2024

AMDADUL ISLAM
S/O SUKUR MAMUD, R/O VILLAGE DHUPA GURI GAON., P.S. DHING,
DISTRICT- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P, MS S ABDULLAH, MD IMRAN, MR. S HAQUE

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

02.12.2024

Heard Mr. S.M. Abdullah P, the learned counsel appearing for the petitioner. Also heard Mr. D. Das, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of Dhing P.S. Case No.207/2024, under Sections 331(4)/64(1)/62/74 of the BNS, 2023.

3. One married woman having children has alleged that on 13.10.2024 at about 11 P.M., while her husband was not present in the house, her neighbour, the present petitioner entered into her house with a *dao* in his hands. She alleged that by showing the *dao*, he tried to commit physical relationship with her. She raised hue and cry and the petitioner ran away.
4. Mr. Abdullah P has submitted that the woman was a consenting party and when her husband came home, she raised hue and cry over the incident to save herself from being thrown out of her husband's house.
5. Mr. Das has submitted that there were no eye witnesses to the occurrence. Some witnesses have seen the petitioner running out of the house, and police seized the *dao* from the house of the woman.
6. I have considered the submissions made by the learned counsel of both sides.
7. Under the given circumstances of the case, the present petitioner namely, Amdadul Islam does not deserve to be detained in custody. Therefore, the pre-arrest bail application of the petitioner is allowed.
8. It is hereby directed that in the event of arrest in connection with Dhing P.S. Case No.207/2024, under Sections 331(4)/64(1)/62/74 of the BNS, 2023, the petitioner, namely- Amdadul Islam shall be allowed to go on bail of ₹20,000/- with a surety of like amount to the satisfaction of the arresting authority.
9. The above named petitioner shall appear before the Investigating Officer within next 10(ten) from today to help him.

With the aforesaid direction, the present application is disposed of.

JUDGE

Comparing Assistant