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

Case No. : AB/3052/2024

SAHABUL HOQUE
S/O JAMSHED ALI
R/O VILL- BYASPARA ISLAMPUR
P.S. SIPAJHAR
DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S U AHMED, MR A HAWARI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 03.12.2024

Heard Mr. S. U. Ahmed, learned counsel appearing for the petitioner. Also heard Mr. RR Kaushik, learned Additional Public Prosecutor for the state/respondent.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail to the petitioner, Sahabul Hoque in respect of Sipajhar P.S. Case No. 160/2024.

3. The girl has lodged an FIR before police alleging that on 06.10.2024 at about 12 noon, while he was going to attend the marriage reception in the village, the petitioner forcibly restrained her on the road and tried to commit sexual offences. She raised hue and cry over

the incident. Some people gathered and she was saved.

4. The learned counsel for the petitioner has submitted that on 06.10.2024, the petitioner was riding a bicycle through a narrow lane and it accidentally hit the informant and that incident has been misinterpreted leading to lodging of the FIR.

5. The learned counsel further submits that the FIR was lodged after 8 days of the incident.

6. Mr. Kaushik has pointed out that another woman has stated before police that the girl was also subjected to sexual harassment by the petitioner. Some other witnesses have said that the petitioner habitually did those acts in the past also.

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

8. In spite of some incriminating materials against the present petitioner, this Court is of the opinion that nothing would be served by keeping the petitioner in custody. Under the given circumstances of the case, the custodial interrogation of the petitioner is not warranted.

9. Therefore, the anticipatory bail application of the petitioner is allowed.

10. It is hereby directed that in the event of arrest in connection with Sipajhar P.S. Case No. 160/2024, the petitioner, Sahabul Hoque shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of the arresting authority.

11. It is also directed that for the next 12 months the petitioner shall co-appear before the Investigating Officer between 10 AM to 4 PM every month. If he fails to do that, the Investigating Officer shall have the liberty to approach this Court seeking cancellation of this bail order.

12. With the aforesaid direction, the anticipatory bail application stands disposed of.

CD shall be returned.

JUDGE

Comparing Assistant