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

Case No. : AB/3076/2024

SAIJUDDIN
S/O LATE CHAMUR UDDIN, R/O VILLAGE PURAN KUCHIA, P.S
CHHAYGAON, DISTRICT KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S ALIM,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 03.12.2024

Heard Mr. S. Alim, 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, Saijuddin in respect of Chhaygaon P.S. Case No. 341/2024 (corresponding to GR Case No.1200(K)/2024).

3. A 32 year old widow has alleged that about 8 months prior to filing of the FIR, the petitioner had physically entered into her house and had committed sexual intercourse with

her. Subsequently, she became pregnant. This time the brother of the petitioner and his wife forcibly took the woman to hospital and got her pregnancy terminated. The villagers tried to settle the matter, but nothing could be done. Therefore, the woman lodged the FIR before police.

4. The learned counsel for the petitioner has submitted that the petitioner had illicit relationship with the informant. According to the learned counsel, when the woman insisted on marriage with the petitioner, he refused and that is the reason why the FIR was lodged.

5. Mr. Kaushik has submitted that the statements of the woman were recorded u/s 164 of the Cr.P.C.

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

7. This Court is of the opinion that under the given circumstances of the case, the custodial interrogation of the petitioner is not warranted.

8. Therefore, the pre-arrest bail application of the petitioner is allowed.

9. It is hereby directed that in the event of arrest in connection with Chhaygaon P.S. Case No. 341/2024, the petitioner, Saijuddin shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of the arresting authority.

10. The petitioner shall co-operate with the police investigation as and when required.

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

CD shall be returned.

JUDGE

Comparing Assistant