

GAHC010249602024



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

Case No. : AB/3085/2024

SAIFUDDIN ALI
S/O HAKIM ALI
R/O NO. 02 KAPLABARI, NALBARI, P.S. MUKALMUA, DIST. NALBARI,
ASSAM, PIN-781138

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI, MR P SONOWAL, MR. J N SUWAI, MR K THAKUR, S YESMIN

Advocate for the Respondent : PP, ASSAM, MR N AHMED (INFORMANT), MR A HUSSAIN (INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

16.12.2024

Heard Ms. S. Yesmin, learned counsel for the petitioner and Mr. R R Kaushik, learned Additional Public Prosecutor, Assam.

By this application, filed under Section 482 of the BNSS, 2023, the petitioner, namely, Saifuddin Ali, has prayed for pre-arrest bail, who apprehends arrest in connection with Satgaon P.S. Case No. 154/2024.

The FIR has been filed by a pregnant working lady. She has brought some allegations

against her husband and his other family members.

The informant has alleged in the Fir that while she was three months pregnant, the other family members except her husband wanted to terminate her pregnancy. They even induced her husband to support their plan. On that issue, her husband quarrelled with her and he assaulted her also.

Thereafter, the husband bought some tablets for favour and headache to her and after consuming those tablets, she started to bleed and at the time of filing the FIR also, she was bleeding. She further alleged that on 01.11.2024 while she was not present in the house her husband broke the lock of the almirah and stole a cash amount of Rs.30,000/- along with a pair of gold earrings.

The Case Diary contains the statements of the informant and another witness.

Ms. Yesmin has submitted that this is a dispute between husband and wife and there is every possibility to resolve the issue. According to Ms. Yesmin, if the husband goes to jail, his relationship with his wife will never improve.

I have considered the submission made by the learned counsel for both sides.

This court is of the opinion that since this is a dispute between husband and wife, the petitioner deserves to be given an opportunity to resolve the same with his wife. Hence, the prayer for pre-arrest bail of the petitioner is allowed.

Accordingly, it is hereby directed that in the event of arrest of the petitioner, namely, Saifuddin Ali, who apprehends arrest in connection with Satgaon P.S. Case No. 154/2024, the arresting authority shall release him on bail of Rs.20,000/- with one surety of like amount to the satisfaction of the arresting authority.

The petitioner is directed to cooperate in the investigation as and when required.

The bail application is disposed of.

Case Diary shall be returned.

` JUDGE

Comparing Assistant