

GAHC010249652024



2024:GAU-AS:11807

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

Case No. : AB/3106/2024

TOMSER ALI
S/O SUJAN ALI, R/O VILLAGE GOTAKHOWA, PS. FAKIRGANJ, DISTRICT-
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S PAUL, MS P DASGUPTA, MS F BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 28.11.2024

Heard Mr. S. Paul, learned counsel for the petitioner, namely, Tomser Ali, who has filed this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with PRC Case No. 1415/2023 under Sections 376/420 of IPC (Fakirganj) P.S Case No. 84/2014 under Section 376/420 of IPC.

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

3. The allegation against the petitioner is that he induced the victim for physical relationship with a false promise of marriage.

4. It is submitted that the FIR was lodged on 01.04.2024 whereas the petitioner and the victim got married on 06.04.2014. Annexure 2 is the Kabilnama of marriage registered between the petitioner and the victim whereas Annexure 3 series are the Birth Certificates of the children of the petitioner and the victim.

5. It appears that there are sufficient grounds to grant pre-arrest bail to the petitioner.

6. Considering all aspects the anticipatory bail petition is allowed. In the event of his arrest, the petitioner Tomser Ali is to be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the learned SDJM, Dhubri/Eleka Magistrate/Jurisdictional Court under the conditions that :

(i) the petitioner shall appear before the Investigating Officer within 1 (one) week and cooperate with the investigation,

(ii) the petitioner shall not tamper with the evidence and influence the witnesses and,

(iii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

7. On breach of any of the bail conditions, pre-arrest bail order shall automatically stand cancelled.
8. In terms of the above observation, this Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant