

GAHC010252322023



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

Case No. : AB/3804/2023

MOFIZUL HOQUE
S/O HOBIBOR RAHMAN
VILL- DIPARKUTI (KURSHAKATI) P.S. AND P.O. BILASIPARA
DIST. DHUBRI, ASSAM,
PIN-783348

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

18.01.2024

This is an application under Section 438 of the CrPC in respect of Bagribari Police Station Case No.62/2023, registered under Sections

376(1)/354D of the Indian Penal Code (G.R. Case No.383/23).

I have heard the learned counsel Mr. M.U. Mahmud appearing for the petitioner. Also heard Mr. K.K. Das, the learned Addl. Public Prosecutor representing the State of Assam.

The 26 years old informant was in love with the present petitioner. They maintained the relationship for about two years. However, the relationship came to an end after the informant was married to another person. She became the mother of two children. She has alleged that even after her marriage, the present petitioner used to call her over phone. She has alleged that on 17.05.2023, the petitioner called her over phone and asked her to meet him at a place called Mahamaya. The informant went there and both went further in a motorcycle driven by the petitioner. The informant has alleged that she was taken to a jungle where the petitioner had committed drupe upon her by saying that he has some photographs of her, which he would show to other person. The informant has stated that she had to surrender before the petitioner because she was aware of her prestige in the society.

Mr. Mahmud submits that the petitioner never called the informant, rather it was the husband of the informant who called the petitioner on that particular day.

I have considered the submissions of the learned counsels of both sides.

In view of the interim bail granted by this Court, the petitioner has already appeared before the Investigating Officer and has co-operated with police investigation.

Now, this Court is of the opinion that since the petitioner has co-operated with the police investigation, he does not deserve to be detained in custody.

His pre-arrest bail application is allowed.

Interim bail granted in his favour by this court on 14.11.2023, is made absolute.

With the aforesaid direction, the application for bail is disposed of.

JUDGE

Comparing Assistant