

GAHC010254362023



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

Case No. : AB/3845/2023

RIAJ UDDIN
S/O MD. ABDUL MOTLIB
A PERMANENT RESIDENT OF DIPHU ROAD, SUTARGAON, P.S. DOBOKA,
DIST. HOJAI, ASSAM, PIN-782440

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR S A BARBHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

15.07.2024

1. Heard learned counsel Mr. T.A. Laskar for the petitioner Riaz Uddin. Also heard learned counsel Mr. A. K. Talukdar for the informant.
2. This application has been filed by the petitioner under Section 438 of the

Cr.PC with prayer for pre-arrest bail as he is apprehending arrest in connection with Belsor P.S. Case No. 263/2023 under Sections 506/376/34 of the IPC read with Section 67 of the IT Act.

3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

4. It is submitted by the learned counsel for the petitioner that the victim is a married woman and for last three years she continued her relationship with the petitioner. Thereafter she lodged a false case against the petitioner stating that petitioner had threatened her to publish some photographs of their relationship in social media but the petitioner has no knowledge about the social media. Under such backdrop, the benefit of pre-arrest bail may be extended to the petitioner.

5. It is submitted on behalf of the informant that even after the petitioner was granted interim bail, he has sent objectionable messages to the victim. Learned counsel for the petitioner has vehemently denied such allegations against the petitioner.

6. I have considered the submissions at the Bar with circumspection.

7. I have perused the Case Diary.

8. The petitioner has appeared before the Investigating officer and his statements have been recorded. It appears that despite the submission of the learned counsel for the informant that the petitioner has violated bail conditions, the petitioner may be granted bail as he has appeared before the Investigating

Officer and co-operated with the investigation.

9. Learned counsel for the petitioner has submitted that the petitioner has pledged to abide by any stringent bail conditions if he is granted bail.

10. Considering all aspects, the interim order dated 16.11.2023 is hereby made absolute under the conditions that;

(i) the petitioner shall not go anywhere near the vicinity of the victim,

(ii) the petitioner shall not exercise threats to the victim or send messages, and

(iii) the petitioner shall not try to influence the witnesses.

11. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

12. Send back the Case Diary.

JUDGE

Comparing Assistant