

GAHC010257362024



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

Case No. : AB/3171/2024

MAI JUDDIN SK.
S/O ANSER ALI
R/O VILL- KORAITOLA, P.O. FAKIRAGRAM, P.S. FAKIRAGRAM, DIST.
KOKRAJHAR, ASSAM, PIN- 783345, MOBILE NO. 7002796815

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A LAL, MR A BRAHMA, M K DEB
Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

04.12.2024

Heard Mr. A. Lal, the learned counsel appearing for the petitioner. Also heard Mr. R.R. Kaushik, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of Fakiragram P.S. Case No.70/2024 (corresponding to G.R. No.481/2024), registered under Sections 318(4)/ 351(2)/ 64/ 308(2)/69 of the BNS, 2023.

3. A 35 year old married woman has alleged that the present petitioner, who is also married, had developed relationship with her. During that period, they had physical relationship on some occasions. She was taken to hotels where they spent nights there together. In some other occasions, she even stayed in his house for a period of one and half months. The woman has alleged that the petitioner has asked her to divorce her husband so that he can marry her. She did not do so. Even then, she kept putting pressure upon the petitioner to marry her. This time, the petitioner allegedly refused to marry her and asked her to take the help of law.

4. Therefore, the informant has lodged the FIR before police.

5. I have considered the submissions made by the learned counsel of both sides.

6. A plain reading of the FIR is sufficient to show that no criminal case has been made out against the present petitioner. Therefore, he does not deserve to be detained in custody. His pre-arrest bail application is allowed.

7. It is hereby directed that in the event of arrest in connection with Fakiragram P.S. Case No.70/2024 (corresponding to G.R. No.481/2024), registered under Sections 318(4)/ 351(2)/ 64/ 308(2)/69 of the BNS, 2023, the petitioner namely, Mai Uddin Sk shall be released on bail of ₹20,000/- with a surety of like amount to the satisfaction of the arresting authority.

8. The petitioner is directed to co-operate with Police Investigating Officer as and when required.

With the aforesaid direction, the present application is disposed of.

JUDGE

Comparing Assistant