

GAHC010259092024



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

Case No. : Bail Appln./3728/2024

MD DILWAR HUSSIAN
S/O LATE AINUDDIN ALI
VILL- SARPAA
P.S. PALASBARI
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR K HUSSAIN, MR P KALITA

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

06.12.2024

Heard Mr. S. Munir, the learned counsel appearing for the petitioner. Also heard Mr. D. Das, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for granting bail to the petitioner namely, Md. Dilwar Hussain who has been in custody since 07.11.2024 in respect of Chaygaon P.S. Case No.390/2024, under Sections 69/318 of the BNS, 2023.

3. One major girl and a major boy were in love. One day, when there was nobody in the house except the girl, the boy came in. They had sexual intercourse. In the meantime, family members of the girl came in. The boy was apprehended. The girl also disclosed before them that the boy had physical relationship with her without any promise of marriage.

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

5. The petitioner has already spent 30 days in judicial custody. Under the given circumstances, this Court is of the opinion that the present petitioner no longer deserves to be detained in custody for the aforesaid offence. His bail application is allowed.

6. The petitioner namely, Md. Dilwar Hussain who has been in custody since 07.11.2024 in respect of Chaygaon P.S. Case No.390/2024, under Sections 69/318 of the BNS, 2023, shall be allowed to go on bail of ₹20,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup, Amingaon.

With the above direction, the bail application is disposed of.

JUDGE

Comparing Assistant