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

Case No. : AB/3195/2024

SAMINUL ISLAM SIDDIQUE @ SAMINUR ISLAM AND 4 ORS
S/O EFAZ UDDIN SHEIKH
R/O WARD NO. 5, CHAPAR
DIST. DHUBRI ASSAM
PIN-783371

2: EFAJ UDDIN SHEIKH @ EFAZUDDIN SK
S/O LT. NIEAMAT ALI SEIKH
R/O WARD NO. 5
CHAPAR

DIST. DHUBRI
ASSAM
PIN- 783371

3: SAHANUR ISLAM SIDDIQUE @ SAHANUR ISLAM
S/O EFAZ UDDIN SHEIKH
R/O WARD NO. 5
CHAPAR
DIST. DHUBRI
ASSAM
PIN-783371

4: ESMITA AHMED @ ISMITA AHMED
D/O EFAZ UDDIN SHEIKH
R/O WARD NO. 5
CHAPAR
DIST. DHUBRI
ASSAM
PIN-783371

5: SAHARA KHATUN @ SAHEBA BIBI
W/O EFAZ UDDIN SHEIKH
R/O WARD NO. 5

CHAPAR

DIST. DHUBRI
ASSAM
PIN-78337

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : J S AHMED,

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

06.12.2024

Heard Mr. S Hussain, learned counsel for the petitioners and Mr. D Das, learned Additional Public Prosecutor, Assam.

By this application filed under Section 482 of the BNSS, 2023, the petitioners, namely, (1) Saminul Islam Siddique @ Saminur Islam; (2) Md. Efaj Uddin Sheikh @ Efazuddin Sk; (3) Sahanur Islam Siddique @ Sahanur Islam; (4) Esmiya Ahmed @ Ismita Ahmed; and (5) Sahara Khatun @ Saheba Bibi, have prayed for pre-arrest bail, who apprehend arrest in connection with Chapor P.S. Case No. 191/2024.

A girl has alleged that the petitioner no. 1 Saminul Islam Siddique @ Saminur Islam was in love with her and on promising of marriage he had physical relationship with her since the year 2023.

On 18.11.2024, the petitioner no. 1 invited the girl to his house for solemnising of marriage. Accordingly, the girl went and when she reached there, the petitioner Saminul Islam Siddique @ Saminur Islam refused to marry her and his brothers and sisters and parents assaulted her. Thereafter, she was driven away from his house, as alleged.

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

It is a settled position of law that simple promising to marry without anything more does not constitute any offence. Therefore, the present petitioners do not deserve to be detained in custody. Hence, their application for pre-arrest bail is allowed.

Accordingly, it is hereby directed that in the event of arrest of the petitioners, (1) Saminul Islam Siddique @ Saminur Islam; (2) Md. Efaj Uddin Sheikh @ Efazuddin Sk; (3) Sahanur Islam Siddique @ Sahanur Islam; (4) Esmiya Ahmed @ Ismita Ahmed; and (5) Sahara Khatun @ Saheba Bibi, in connection with Chapor P.S. Case No. 191/2024, the arresting authority shall release them on bail of Rs.20,000/- with one surety of like amount to the satisfaction of the arresting authority.

The bail application is disposed of.

JUDGE

Comparing Assistant