

GAHC010260302024



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

Case No. : AB/3246/2024

KUDDUS ALI
S/O SAHAD ALI SK.
R/O VILL- HARIPUR PT-I
P.S. TAMARHAT,
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. SURAJIT DAS, A S CHOUDHURY, MR A W AMAN, MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

10.12.2024

Heard Mr. S. Das, learned counsel for the petitioner and Mr. R R Kaushik, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 482 of the BNSS, 2023, the petitioner, namely, Kuddus Ali, has prayed for pre-arrest bail, who apprehends arrest in connection with Tamarhat P.S. Case No. 90/2024.

It is alleged in the FIR that while the husband and the child of the informant were not present in the house, the petitioner managed to enter into the house and had forcible physical relationship with her. But before she could raise any alarm, the mother-in-law of the informant came to know about the incident. Thereafter, some other villagers were also entered into the house by breaking upon the door. The petitioner allegedly managed to escape from there.

Mr. Das has submitted that it was a consensual relationship. According to Mr. Das, if the mother-in-law of the informant did not notice the incident, nobody would have known about that incident.

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

This court is of the opinion that under the given circumstances, the petitioner does not deserve to be detained in custody. Therefore, the prayer for pre-arrest bail of the petitioner is allowed.

Accordingly, it is hereby directed that in the event of arrest of the petitioner Kuddus Ali in connection with Tamarhat P.S. Case No. 90/2024, the arresting authority shall release him on bail of Rs.20,000/- with one surety of like amount to the satisfaction of the arresting authority.

The petitioner shall cooperate in the investigation as and when required.

The bail application is disposed of.

JUDGE

Comparing Assistant