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

Case No. : AB/3282/2024

SARJAHAN UDDIN @ SAJAN UDDIN
S/O ALIM UDDIN
RESIDENT OF VILLAGE BARJARANI, PS LANKA, DIST HOJAI, ASSAM
782446

2: ALIM UDDIN
S/O LATE JUBAID ALI
RESIDENT OF VILLAGE BARJARANI
PS LANKA
DIST HOJAI
ASSAM 78244

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. B BORGOHAIN, MR. S NEOG, MS. S G BARUAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13-12-2024

Heard Ms. S.G. Baruah, learned counsel appearing for the petitioners. Also heard Mr. D. Das, learned Additional Public Prosecutor appearing for the State of

Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of Lanka P.S. Case No.347/2024 (corresponding to G.R. Case no. 2393/2024), registered under Sections 318(4)/69/115(2) of the BNS Act.

3. A married lady having children was having physical relationship with the petitioner, Sarjahan Uddin @ Sajan Uddin. Sarjahan Uddin @ Sajan Uddin was having physical relationship with the said woman in the house of the woman. The said incident was witnessed by the father-in-law of the said woman. The petitioner allegedly ran away from her house. Therefore, the petitioner, Alim Uddin who is the father of Sarjahan Uddin @ Sajan Uddin had assaulted the said woman.

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

5. This Court is of the opinion that under the given circumstances of the case, the petitioners do not deserve to be detained in custody. Therefore, the pre-arrest bail application is allowed.

6. It is hereby directed that in the event of arrest in connection with Lanka P.S. Case No.347/2024, registered under Sections 318(4)/69/115(2) of the BNS Act, the petitioners, namely (1) Sarjahan Uddin @ Sajan Uddin and (2) Alim Uddin shall be released on bail of ₹20,000/- each with surety of like amount each to the satisfaction of the arresting authority.

7. The petitioners are directed to appear before the Investigating Police

Officer within next 10 (ten) days from today.

The application for bail is disposed of accordingly.

JUDGE

Comparing Assistant