

GAHC010275542023



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

Case No. : AB/4133/2023

MAYNUDDIN AHMED
S/O ALEKUDDIN PARAMANIK, VILLAGE- PETKATA, HARIMURA, P.S-
MORNOI, DISTRICT- GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P.

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 06-02-2024

Heard Mr. N. Uddin, learned counsel for the applicant. Also heard Ms. A. Begum, learned Addl. P.P. for the State respondent and Mr. N. Zaman, learned counsel for the informant.

Apprehending arrest in connection with Mornai P.S. Case No.76/2023, under Sections 498(A)/ 313/341 /342/34 of IPC, this application under Section 438 Cr.P.C. is

preferred by the applicant, namely, Maynuddin Ahmed, for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Smt. Afruza Ajmin, on 29.9.2023.

The essence of allegation made in the FIR dated 29.9.2023 is that she got married with the applicant on 23.10.2022 and thereafter, lived together as husband and wife in the matrimonial home and thereafter, the applicant with the co-accused who happened to be her mother, brother, brother-in-law and sister subjected her to both physical and mental cruelty demanding a sum of Rs.7,00,000/- and as result of the torture meted out to her she suffered injuries over her abdomen and thereby caused miscarriage to her on 14.1.2023.

Mr. Uddin, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 8.12.2023 and pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency, and therefore, it is contended to make the interim order dated 8.12.2023 absolute in the same terms and conditions.

On the other hand, Ms. A. Begum, learned Addl. P.P. has produced the case diary before this Court and submits that the I.O has collected sufficient materials in support of the allegation made in the FIR, and therefore, Ms. Begum has opposed the petition and contended to dismiss the same.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Ms. Begum, learned Addl. P.P.

It is not in dispute that pursuant to order dated 8.12.2023, the applicant had appeared before the I.O and he has been cooperating with the investigating agency. Further it appears from the case diary that the I.O. has achieved substantial progress in the investigation of the case and in view of the stage of investigation as well as the materials collected so far in the case diary and in view of the fact that the applicant has been cooperating with the investigating agency , his custodial interrogation

seems to be not warranted herein this case and therefore, this Court is inclined to make the interim order dated 8.12.2023, absolute in the same terms and conditions. Case diary be returned.

JUDGE

Comparing Assistant