GAHC010112442020

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

Case No. : AB/2104/2020

HOYBAR RAHMAN
S/O BILAYET ALI, P/R/O SIMLAKANDI GAON, P.O.-HELAGARI, P.S.-BILASIPARA, DIST-DHUBRI, ASSAM, AND P/R/A KAKOJAN BONGAON TINIALI, P.S.-TEOK, DIST-JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR JUSTICE SONGKHUPCHUNG SERTO

ORDER

Date : 23-11-2020

Heard Mr. D. Das, learned counsel for the petitioner as well as Mr. N.P. Goswami, learned Additional Public Prosecutor, State of Assam.

This is an application under Section 438 Cr.P.C. praying for pre-arrest bail of the petitioner who is apprehending arrest in connection with FIR Case No. 1465 of 2020 (Jorhat

P.S.), registered under Sections 417/376/294 and 506 of IPC.

It is submitted by the learned counsel for the petitioner that except Section 376, all the offences charged against the accused/petitioner are bailable. He also submitted that from the FIR lodged by the complainant it is quite clear that the relationship between the petitioner and the complainant was on mutual consent and the complainant being 40 years of age no offence can be made out against the petitioner.

I have gone through the Case Diary of the case placed by the learned Addl. P.P. with the help of my Court Master and I have also gone through the complaint lodged by the victim. It appears from these records that the relationship between the complainant and the petitioner was consensual and was not imposed by the petitioner by any means. Further, it also appears that the petitioner is a government servant working in the office of the Deputy Commissioner, Jorhat, therefore, he is not likely to abscond to avoid the investigation or trial of the case if chargehseet is submitted at all.

In view of the above the petition is allowed and the interim order dated 28.08.2020 passed in this case is made absolute.

Return the LCR.

JUDGE

Comparing Assistant