GAHC010141292020

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

Case No. : AB/2834/2020

ARIF ALI
S/O LATE MINOOS ALI, R/O RAMDIA, P.S.-HAJO, DIST-KAMRUP(R), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S M MOLLAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

04-12-2019

This is an application made under **Section 438 Cr.P.C**., seeking pre-arrest bail by the petitioner, namely, **Arif Ali**, apprehending arrest in connection with **Hajo Police Station Case No. 687/2020,** registered **under Sections 420/376/313/498(A)/ 294/506/34 of the IPC.**

I have perused the petition including the copy of the FIR and the documents annexed therewith.

The case diary produced has also been perused including the statement of the victim, recorded under Section 161 of the Cr.P.C.

Heard Mr. S.M. Mollah, learned counsel appearing for the petitioner and Mr. N.J. Dutta, learned Additional Public Prosecutor.

On perusal of the contents of the FIR as well as the statement of the victim, it appears that the victim was consenting party to the sexual intercourse. However, this view is tentative and for the purpose of this bail application only.

That being so, the petitioner deserves the privilege of pre-arrest bail.

Accordingly, the interim pre-arrest bail granted to the petitioner, vide order dated 16-10-2020, is made **absolute** by this order on the same terms and conditions.

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant