GAHC010141762020

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

Case No. : AB 2781/2020

1:JAKIR ALI
S/O BABUL ALI, R/O NO. 1 KHANAPARA (BHAHGANA), P.O.-GANESH KUWARI, P.S.-SIPAJHAR, DIST-DARRANG, ASSAM

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S H SIKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 14-10-2020

Heard Mr. M. Saikia, learned counsel appearing for the petitioner. Also heard Mr. T.K. Mishra, learned Addl. Public Prosecutor for the State of Assam.

The petitioner, namely, Jakir Ali have prayed for pre-arrest bail under Section 438 of the Cr.P.C. in the matter of Julukbari P.S. Case No. 882/2020 registered under Sections 366 of the IPC.

The daughter of the informant was missing from 23.07.2020. The petitioner has filed some documents to show that the girl has already married to the petitioner according to Islamic rituals. She even changed her name and embraced Islam. Considering these facts, it clear that the victim had elopped with the petitioner on her own. Therefore, the petitioner does not deserve to be detained in

custody. It is hereby directed that in the event of arrest, the petitioner Jakir Ali shall be released on bail of Rs. 10,000/- with a surety of like amount, to the satisfaction of arresting authority in connection with Julukbari P.S. Case No. 882/2020 registered under Sections 366 of the IPC.

The bail application stands disposed of.

JUDGE

Comparing Assistant