GAHC010150972020

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

Case No. : AB/2982/2020

MD. BABAR ALI
S/O. MD. BABUL ALI, VILL. SANOWA, P.O. SANOWA, P.S. SIPAJHAR, DIST. DARRANG, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

10-12-2020

This is an application made under **Section 438 Cr.P.C**., seeking pre-arrest bail by the petitioner, namely, **Md. Babar Ali**, apprehending arrest in connection with **Sipajhar Police Station Case No. 658/2020,** (corresponding to GR Case No. 2556/2020), registered **under Sections 109/406/376 of the IPC.**

The case diary produced has been perused including the statement of the victim, recorded under Section 164 of the Cr.P.C.

Heard Mr. M. Hoque, learned counsel appearing for the petitioner and Mr. M.P. Goswami, learned Additional Public Prosecutor.

In her statement, the victim has categorically stated that she was in love with the petitioner for last 10 years and she had left the house of the informant on her own with the petitioner.

That being so, in the absence of incriminating materials in the statement of the victim, the petitioner is entitled to the privilege of pre-arrest bail. Therefore, he is granted pre-arrest bail. Accordingly, the interim pre-arrest bail granted to the petitioner, vide order dated 21-10-2020, is made **absolute** by this order on the same terms and conditions.

It does not appear from the case diary, available before this Court, that there is an entry as regards the appearance or otherwise of the petitioner before him in accordance with the interim order referred to above. Therefore, if the petitioner has not appeared before the Investigating Police Officer in accordance with the aforesaid interim order, he shall appear within the next seven days and in the event it is necessary, the Investigating Police Officer shall record his statement.

The anticipatory bail application stands disposed of.

Return the case diary so as to enable the Investigating Police Officer to record the statement, as indicated above.

JUDGE

Comparing Assistant