GAHC010156402020

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

Case No. : AB/3122/2020

MD. SABED ALI AND ANR
S/O- JILAL UDDIN, VILL- BHERALDI, P.O. BHERALDI, P.S. AND DIST.- BARPETA, ASSAM, PIN- 781309

2: RAHIM ALI @ RAHIM BADSHA
S/O- FAZAL ALI
R/O VILL- BHERALDI
P.O. BHERALDI
P.S. AND DIST.- BARPETA
ASSAM
PIN- 78130

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

Date : 17-12-2020

Heard Mr. AIU Sheikh, learned counsel appearing on behalf of the conducting counsel for the petitioners, Mr. MU Mondal. Also heard Mr. MP Goswami, learned

Additional Public Prosecutor, appearing for the State respondent.

This is an application, filed under Section 438 of the Cr.PC. seeking pre-arrest bail of the petitioners, namely, ***1. Md. Sabed Ali*** and ***2. Rahim Ali @ Rahim Badsha,*** in connection with ***Barpeta P.S. Case No. 2130/2020*** registered under Sections 365/380/506/34 of the IPC.

Perused the case diary produced before this Court, including the statement of the victim recorded under Section 164 of the Cr.PC.

The victim is a mother of three children and aged about 23 years. She has categorically stated that she had developed love with the accused-petitioner and eloped with him on her own. She has also stated that after eloping with the petitioner, she had stayed with him in Guwahati for 17 days and she cohabited with the accused-petitioner.

Considering the fact that the victim has voluntarily eloped with the accused-petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary for the purpose of investigation of the case.

Accordingly, the interim pre-arrest bail granted to the petitioner***,*** vide order, dated 06.11.2020 is made ***absolute*** on the same terms and conditions.

However, if the petitioner has not appeared before the Investigating Police Officer after obtaining interim pre-arrest, the same be done within 10 (ten) days from today, failing which the privilege of pre-arrest bail granted to him shall automatically stand vacated.

Return the case diary immediately.

The petition stands disposed of accordingly.

JUDGE

Comparing Assistant