

AB 5103/2014
BEFORE
HON'BLE MR. JUSTICE A.K. GOSWAMI

Heard Mr. A.F.N.U. Mollah, learned counsel for the petitioner. Also heard Mr. B .B. Gogoi, learned Additional Public Prosecutor, Assam.

By filing this application under Section 438 Cr.P.C., the petitioner, namely, Nazrul Hoque @ Kosai, is praying for grant of pre-arrest bail in connection with Dhubri P.S. Case No.974/2014 under Section 366 IPC.

The allegations in the ejahar lodged on 05.08.2014 are to the effect that on 04.08.2014, the informant's married daughter along with her 3 year old daughter had left his house and proceeded to her husband's house. Later on, information was received by the informant that his daughter did not reach the house of the husband and the secret information was received that the present petitioner had kidnapped his daughter and confined her somewhere.

Mr. Mollah, learned counsel for the petitioner has submitted that the petitioner is a Grade-IV employee, working under Executive Engineer, P.W.D., Rural Roads Division, Dhubri. With reference to Annexure-3, a Marriage Certificate dated 02.08.2014, the learned counsel submits that the petitioner and the daughter of the informant had solemnized their marriage and the daughter of the informant had told him that she had obtained Talak from her previous husband. It is submitted that the allegations are entirely false. It is also submitted by Mr. Mollah that in the said marriage certificate, son of the informant, Md. Rezzak Ali, was also a witness.

Mr. Gogoi has produced the case diary for the perusal of the court.

I have perused the case diary, which contains Section 161 and Section 164 Cr.P.C. statements of the daughter of the informant.

In her statement under Section 164 Cr.P.C., she had stated that her marriage was solemnized forcibly. It is also stated that on the pretext of taking her to her husband's house, the petitioner had taken her to a few places and ultimately police recovered her from Chaitan Bazar.

The date of Marriage Certificate is 02.08.2014 and marriage was stated to have been solemnized on 05.06.2014.

Going by the statements in the ejahar and the materials on record, the daughter of the informant was with her parents on 04.08.2014 and there is no material in the case diary to indicate that the daughter of the informant had told them about any such forcible marriage.

Considering the materials available in the case diary, I am inclined to allow this application for grant of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner in the aforementioned case, he shall be allowed to go on bail of Rs.10,000/- with one local surety of the like amount to the satisfaction of the arresting authority.

The anticipatory bail application stands disposed of.