

GAHC010073402021



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

Case No. : AB/1159/2021

MD. ABED ALI AND ANR
S/O. LT. SAHED ALI @ JOBBAR ALI, R/O. HOUSE NO.2, ISLAMPUR, P.O. AND
P.S. BIHPURIA, DIST. LAKHIMPUR, ASSAM, PIN-784161.

2: SMT. JAMENA KHATOON

W/O. MD. ABED ALI
R/O. HOUSE NO.2
ISLAMPUR
P.O. AND P.S. BIHPURIA
DIST. LAKHIMPUR
ASSAM
PIN-784161

VERSUS

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

Advocate for the Petitioner : MR. P D NAIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

30-04-2021

Heard Shri P. D. Nair, learned counsel for the petitioners, namely, **1. Md.**

Abed Ali and **2. Smt. Jamena Khatoon**, who have filed this application under Section 438 of the CrPC seeking anticipatory bail in connection with **Bihpuria** Police Station **Case No. 106/2021** under **Section 11(1)** of the Prohibition of Child Marriage Act, 2006, with corresponding **GR Case No. 461/2021**.

This Court vide order dated 09.04.2021 while calling for the Case Diary had also granted interim protection primarily on the submission that the allegation was based on hearsay information and no marriage was solemnized at all.

Shri Nair, the learned counsel for the petitioners submits that the entire FIR has been lodged on wrong information and mistaken facts.

By producing the Case Diary, Shri H. Sarma, learned Addl. PP, Assam submits that there is no materials to show that any marriage had taken place and there was only a talk of marriage which did not materialize as the bride was a minor and this has been disclosed by the alleged victim in her statement.

In view of the aforesaid facts and circumstances, this Court is of the view that a case for pre-arrest bail is made out.

Accordingly, this petition is allowed and the interim order passed vide order dated 09.04.2021 is made absolute with further condition that the petitioners shall continue to render full cooperation to the investigation and shall not indulge any activities which are detrimental to the same.

Anticipatory bail petition stands disposed of.

Case Diary is returned herewith.

JUDGE

Comparing Assistant