

GAHC010098892021



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

Case No. : AB/1833/2021

RUBUL HUSSAIN @ RIBOL MUSLIM @ ALI
S/O NUR UDDIN LASKAR
R/O VILL- LANKA
WARD NO. 3, (LANKA TOWN), P.O. AND P.S. LANKA, DIST. HOJAI, ASSAM
PIN-782446

VERSUS

THE STATE OF ASSAM
REP. BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

30.07.2021

Heard Mr. R. Ali, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioner, namely **Rubul Hussain @Ribol Muslim @Ali** apprehending arrest in connection with **Diphu P.S. Case No. 84/2021 (G.R. Case No. 172/2021)** u/s **366** of the IPC.

The Case diary, as called for, is placed before the Court.

On perusal of the statements of the victim girl recorded under Sections 161 and 164 Cr.P.C., it appears that pursuant to love relationship, the alleged victim girl, whose date of birth is 07.02.2004, accompanied the petitioner for the purpose of entering into marital tie. Although the victim girl is minor, in the backdrop of the peculiar facts and circumstances of the case as no physical harm was committed on her, this Court is of the opinion that custodial interrogation of the petitioner may not be required in the interest of the ongoing investigation into the case.

Accordingly, it is provided that in the event of arrest, the petitioner, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 15,000/- (Rupees Fifteen Thousand)** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer within 7 days, failing which on the 8th day, this pre-arrest bail order shall automatically come to an end; and
- (ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant