

GAHC010070462022



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

Case No. : AB/1012/2022

NABULLAH SK
S/O ABUL HUSSAIN
VILL- SATDUBI
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA
MANKACHAR, ASSAM, PIN-783127

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

31.05.2022.

By filing this petition under Section 438 of the CrPC, petitioner Nabullah Sk. has sought for

pre-arrest bail in connection with the South Salmara P.S. Case No.113/2022, under Sections 417/376/366 of the IPC.

Heard learned counsels for both sides and perused the record.

The petitioner herein is 19 years old boy who has recently passed the HSLC examination. According to the victim, she had love affairs with the accused/petitioner since earlier and once she was also impregnated by the accused/ petitioner but subsequently abortion was done. According to the victim, the accused is ready to marry her and with a view to marry her, she was taken away from her house on the last occasion but the village people apprehended both of them.

The victim herein has also attained majority in the meantime and both of them are contemporary in their age.

In the given facts and circumstances, it is difficult to attract the offence under Section 376 IPC. As such, custodial detention of the accused/petitioner can be dispensed with.

Accordingly the petitioner named above is allowed to go on pre-arrest bail of Rs.10,000/-, with one surety of like amount, in the event of his arrest by the arresting officer in connection with the South Salmara P.S. Case No.113/2022, with further direction to the petitioner to appear before the I.O., within ten days from today to give his statement and he shall cooperate with investigation of the case.

The bail petition stands disposed of.

Return back the case diary forthwith.

JUDGE

Comparing Assistant