GAHC010234852022

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

Case No. : AB/3419/2022

MAHADEV SARKAR AND ANR
S/O- LATE PRADIP SARKAR, R/O- VILLAGE PATILADAHA KARMAKAR PARA,
P.S- MANIKPUR, DIST- BONGAIGAON, ASSAM, PIN-783391

2: HIRAN DAS
 S/O- RABINDRA DAS

 R/O- VILLAGE LAKHIPUR
 AMBARI BAMUNPARA
 P.S- LAKHIPUR
 DIST- GOALPARA
 ASSAM
 PIN-78312

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner   : MR. A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 30-11-2022

Heard Mr. S. Hussain, learned counsel for the petitioners. Also heard Mr. K.K. Parasar, learned Addl. P.P. for the State Respondent.

The petitioners namely, Shri Mahadev Sarkar and Shri Hiran Das have filed a petition under Section 438 Cr.P.C. with prayer for pre-arrest bail as they are apprehending arrest in connection with Lakhipur P.S. Case No. 352/2022 under Sections 365/34 IPC.

An FIR was lodged by the victim's father that, on 22.09.2022 at around 12'O clock his minor daughter was abducted on her way back home from school.

The learned Addl. P.P. has raised objection stating that the victim was 16 years old and there are also cogent materials against the petitioner No. 1.

The learned counsel for the petitioners has submitted that there was a love relationship between the petitioner No. 1 and the victim.

I have perused the Case Diary. I have also considered the statement of the victim. It is true that the victim was 16 years old at the time of the incident.

Considering the submissions at the Bar and considering all aspects, petition is allowed.

In the event of arrest, the arresting authority is directed to enlarge the petitioner on bail of Rs. 25,000/- each with suitable sureties of like amount each to the satisfaction of the arresting authority under the condition that the petitioners will not exercise threats to the witnesses.

Send back the Case Diary.

The bail application stands disposed of.

JUDGE

Comparing Assistant