

GAHC010203942025



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

Case No. : AB/2245/2025

ASIF MARAL ALIAS ASIB MARAL
SON OF BURJUK MARAL, R/O VILLAGE BAMUNI BHETAPAR, P.S.
JAKHALABANDHA, DIST.NAGAON, ASSAM, PIN-782136

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : DARAK ULLAH, S BEGUM,MS A HUSSAIN,SABRISH AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

26.09.2025

1. Heard learned counsel Ms. A. Hussain for the petitioner Asif Maral @Asib Maral who has filed this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with PRC Case No. 277/2025 in connection with Kaliabor

Police Station Case No. 11/2025 under Section 87 of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the respondent State.

3. Learned Additional Public Prosecutor has raised serious objection stating that the petitioner is booked under a serious offence and charge-sheet has been laid against the petitioner under Section 87 of the BNS.

4. On the contrary, it is submitted on behalf of the petitioner that the victim and the petitioner had a love relationship and the victim eloped with the petitioner on her own volition. The petitioner has not committed any offence under Section 87 of the BNS. The victim is at the verge of attaining majority.

5. I have considered the submissions at the Bar with circumspection.

6. I have scrutinized the statements of the witnesses as well as the statements of the victim under Section 183 of the BNSS.

7. It appears that anticipatory bail may be granted to the petitioner as the petitioner is willing to co-operate with the trial. The petitioner is a young lad aged only 19 years.

8. Considering the peculiar facts and circumstances of this case, petition is allowed, but at the same time this order on the peculiar facts of this case does not have the imprimatur of this Court.

9. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned SDJM(M), Kaliabor under the conditions that:

(i) The petitioner shall not exercise threats to

the victim or the witnesses, and

(ii) The petitioner shall co-operate with the trial.

10. On breach of any of the bail conditions, the Court is at liberty to cancel the bail granted to the petitioner.

11. In terms of the above observation, this application stands disposed of.

JUDGE

Comparing Assistant