

GAHC010000242024



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

Case No. : AB/4/2024

SHAIJAN NESSA
W/O ABDUL BATIN
R/O VILL- UNNEKURI
P.S. GOBARDHANA
DIST. BAKSA, ASSAM
PIN CODE- 781317

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

20.05.2024

Heard Mr. A.K. Hussain, learned counsel for the applicant and also heard Ms. N. Das, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Gobardhana P.S. Case No.179/2023 under Section 120B/376(n)/313 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Shaijan Nessa, for grant of pre-arrest bail.

3. It is to be noted here that the above-noted case has been registered on the basis of an FIR lodged by one Manija Khatun, on 22.11.2023. The essence of allegation made in the aforesaid FIR is that her daughter Smt. X (name withheld), aged 19 years, had love affairs with one Rakibul Islam of Unnekuri village and he had committed sexual intercourse with her on several occasions and impregnated her and when the matter was reported in his house, he denied the allegation and he had taken her daughter to Doctor and got her pregnancy terminated.

4. Mr. Hussain, learned counsel for the applicant submits that this Court vide order dated 05.01.2024 was pleased to extend the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, Mr. Hussain contended that the interim order dated 05.01.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Ms. N. Das, learned Additional Public Prosecutor, Assam, submits that she has not received the case diary, but as per her instruction, the I.O. has completed investigation and returned the case in FR, being F.R. No.21, dated 20.03.2024.

6. Since final report has been submitted against the present applicant, there is no apprehension of arrest and as such, this anticipatory bail application becomes infructuous and accordingly, the same stands closed. Consequently, the privilege of interim pre-arrest bail, granted vide order dated 05.01.2024, stands recalled.

7. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant