

GAHC010034602023



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

Case No. : AB/507/2023

MD ASHRAFUL ALOM @ JUNED AHMED @ ASHRAFUL AHMED
S/O MD. NAZRUL ISLAM
R/O VILL- BORBALI,
P.S. MURAJHAR, PIN-782481
DIST. HOJAI, ASSAM
VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N B P SINGHA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

03.03.2023

Heard Mr. N. B. P. Singha, learned counsel for the applicant and also Mr. R. J. Baruah, learned Additional Public Prosecutor, Assam for the State Respondent.

2. Apprehending arrest in connection with Murajhar Police Station Case No. 20/2023 under Sections 67-A and 67-B of the Information and Technology Act, 2000 read with Section 15 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, this application under Section 438 CrPC was preferred by applicant Md. Ashraful Alom @ Juned Ahmed @ Ashraful Ahmed for grant of pre-arrest bail.

3. The above noted case has been registered on the basis of one FIR, lodged on 26.01.2023, by Mr. Ranjit Buragohain, S.I. (P) of Police, Murajhar Police Station.
4. The allegation leveled in the aforesaid FIR is that some child abuse materials (video) is uploaded in the web space by one Laila Begum on 28.02.2022, which was made viral and shared on instagram and on interrogation, Laila Begum stated that her son Noor Ahmed and her brother's son Juned Ahmed @ Ashraful Ahmed have been using the aforesaid mobile phone.
5. The learned counsel for the applicant submits that the allegation is against Noor Ahmed, the son of Laila Begum, who has already been arrested in this case and the present applicant is the cousin brother of accused Noor Ahmed and he has his own mobile phone and he has no occasion to use the mobile phone of Laila Begum and he has been implicated by accused Noor Ahmed falsely and he is ready to co-operate with the investigating agency and, therefore, it is contended to allow the application.
6. On the other hand, Mr. R. J. Baruah, learned Additional Public Prosecutor, Assam has produced the Case Diary before this Court and submits that the Investigating Officer has collected sufficient materials against the present applicant and the video was uploaded from the email of the applicant, and, therefore, Mr. Baruah opposes the petition.
7. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of Mr. R. J. Baruah, learned Additional Public Prosecutor, Assam.
8. It appears from the case diary that the I.O. has collected sufficient materials against the applicant.
9. In view of the materials collected so far in the Case Diary and also in view of the nature of accusation and the punishment prescribed for the same, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the petitioner, and accordingly, the petition stands dismissed.

Case Diary be returned.

JUDGE

Comparing Assistant