

GAHC010122252023



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

Case No. : Bail Appln./2025/2023

MD. NOOR ALOM @ ALOM CHAND @ NUR ALAM
S/O ABBAS ALI
R/O VILL- CHAMPUPARA
P.S. CHHAYGAON
DIST. KAMRUP, ASSAM, PIN-781136

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M MAHANTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

30.06.2023

Heard Mr. M. Mahanta, learned counsel for the accused. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, for the State respondent.

2. This application under Section 439 Cr.P.C. is preferred by accused, namely, Md.

Noor Alom @ Alom Chand @ Nur Alam, who has been languishing in jail hazot in connection with Kachumara Police Station Case No.50/2021 under Section 365 IPC corresponding to Special POCSO Case No.71/2021 pending before the Court of learned Additional Sessions Judge cum Special Judge, POCSO, Barpeta, for granting bail.

3. The said case has been registered on the basis of one F.I.R., lodged by informant Bahez Uddin on 01.11.2021, to the effect that his daughter Smt. X "name withheld" is missing since 3.00 a.m. on 28.10.2021 while she was roaming near her house.

4. Mr. Mahanta, learned counsel for the accused submits that the accused has been languishing in jail hazot for more than 518 days and in the meantime, the learned Court below has examined as many as five prosecution witnesses and that the accused is ready to face trial and will appear before the learned Court below and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Borthakur, learned Additional Public Prosecutor, Assam, submits that two of the co-accused, who have already been enlarged on bail by this Court have been absconding and the trial is going on against the present accused after splitting up his case and in the meantime, several witnesses have been examined and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and the status report received from the learned Court below dated 28.06.2023.

7. It appears from the record that as many as 13 witnesses have been cited in the charge-sheet and out of the 13 witnesses, 5 witnesses have already been examined, till 30.06.2023.

8. I have carefully gone through the statement of the witnesses which have been transmitted along with the status report of the learned Court below and in view of the materials so far brought on record, this Court is of the view that no prima facie case for granting bail to the present accused is made out. Accordingly, the bail application stands

dismissed.

9. However, the learned Court below is directed to make an endeavour to complete the trial as early as possible preferably within a period of 2(two) months from today, without being influenced by any of the observation made herein above.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant