

GAHC010005262024



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

Case No. : AB/95/2024

MUSTAFIZUR RAHMAN
S/O LATE MEHBUR RAHMAN
R/O VILL- DALBARI, P.O. SOLMARI
P.S. MORIGAON
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. I CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

24.01.2024

Heard Mr. I. Choudhury, learned counsel for the applicant and Ms. B. Sarma, learned Addl. P.P. for the State respondent.

2. Apprehending arrest in connection with **Morigaon P.S. Case No. 231/2023**, under Sections 328/ 342 /354 /354[A] /506/ 509 IPC, this application under Section 438 Cr.P.C, is preferred by the applicant namely, **Mustafizur Rahman** for grant of pre-arrest bail.

3. The above noted case has been registered on the basis of an FIR lodged by one Smt 'X' [name withheld], on 16.06.2023. The essence of allegation made in the FIR is that the applicant had administered psychotropic substance to the informant, in her office, at Dandua Gaon Panchayat and taken her in his car to a house and there he subjected her to sexual harassment and also took photograph of such harassment by showing a pistol and thereafter, he made the said photograph viral in the social media.

4. Mr. Choudhury, learned counsel for the applicant submits that this is the second anticipatory bail application filed by the applicant, on the ground that after rejection of the first anticipatory application, being AB No. 2622/2023, vide order dated 24.08.2023, several months have been elapsed and in the meantime, the investigation might have completed and that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, by producing the Case Diary before this Court, Mr. Sarma, learned Additional Public Prosecutor submits that the investigation is still going on and the offences are serious in nature 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 also perused the Case Diary produced before this Court with the assistance of learned Additional Public Prosecutor.

7. The case diary indicates that the investigation is still going on and not much headway could be achieved after rejection of the first application, on 24.08.2023. The offences are serious in nature and though the case has been registered u/s 328/ 342 /354 / 354[A] /506 / 509 IPC and later on the Section

376 IPC is added.

8. Having considered above and also considered the progress of investigation, this Court finds the ground for filing this second application is bereft of merit.

9. Accordingly, this AB stands dismissed.

10. The case diary be returned.

Comparing Assistant

JUDGE